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ABSTRACT

Strategies to enhance prosecution of gang-related crimes are presented, with a focus on enforcement and prosecution targeting urban street gangs. The model programs introduced offer strategies largely based on the practical experiences of agencies that participated in a demonstration program, the Urban Street Gang Drug Trafficking Enforcement Program, designed to establish model approaches to prevention and suppression of gang violence. The monograph offers a step-by-step guide to designing and implementing a program based on strategies from the seven demonstration sites. The following chapters guide program implementation: (1) "Introduction"; (2) "Key Elements of the Gang Suppression Prototype"; (3) "Planning and Analysis"; (4) "Gang Information and Intelligence Systems"; (5) "Gang Suppression Operations and Tactics"; (6) "Interagency Cooperation and Collaboration"; (7) "Legal Issues"; and (8) "Evaluation." Appendixes contain an annotated bibliography and sources for further information. (Contains 85 endnotes and 65 references.) (SLD)

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Urban Street Gang Enforcement

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Monograph

BJA Bureau of Justice Assistance

Urban Street Gang Enforcement

January 1997

Monograph

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Foreword

Gangs have been a major contributor to the growth of violent crime in the past decade. Heavily armed with sophisticated weapons, gangs are involved in drug trafficking, murder, witness intimidation, robbery, extortion, and turf battles. Gangs now operate in cities of all sizes, as well as suburban communities throughout the United States; gang violence no longer is limited to major cities.

What is being done to stop gang activity? Federal, State, and local law enforcement agencies across the country have implemented innovative and resourceful initiatives to stop gangs from terrorizing our communities. Interagency and multijurisdictional efforts range from special units dedicated to investigating and prosecuting gang-related crimes to state-of-the-art surveillance equipment and sophisticated data collection and analysis technologies.

Our purpose in developing Model Strategies for Urban Street Gang Enforcement was to create processes and strategies that would be useful in many jurisdictions. No one method will solve the gang problem; however, some methods are more effective and better suited to certain situations.

This monograph presents strategies to enhance prosecution of gang-related crimes. It focuses exclusively on enforcement and prosecution strategies against urban street gangs. The model programs introduced here offer strategies largely based on the practical experiences of agencies that participated in a demonstration program funded by the Bureau of Justice Assistance (BJA) and designed to establish model approaches to prevent and suppress gang violence.

This monograph offers a step-by-step guide for designing and implementing a program based on Model Strategies for Urban Street Gang Enforcement. It identifies and explores innovative methods of prosecuting gang members involved in criminal activities. Program examples and case studies from the seven demonstration sites illustrate how local objectives were met. By documenting and disseminating effective strategies to combat gang violence, BJA hopes to assist law enforcement agencies.

Nancy E. Gist
Director

Acknowledgments

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Executive Summary

According to the National Institute of Justice (NIJ) of the U.S. Department of Justice, law enforcement agencies in the United States are confronted with the presence of more than 4,800 gangs and 250,000 gang members. To help law enforcement agencies combat this menace, this monograph presents a program model, or prototype, for urban street gang enforcement that applies whether or not a police department or prosecutor's office that wishes to implement the model has a specialized gang enforcement unit. This model is called Model Strategies for Urban Street Gang Enforcement (Model Strategies).

The Model Strategies are based largely on the practical experiences of agencies that participated in the Urban Street Gang Drug Trafficking Enforcement Program (Urban Street Gang Program) funded by the Bureau of Justice Assistance (BJA), U.S. Department of Justice, from July 1989 through March 1996. Additional information was obtained through onsite interviews with police departments, a mail survey with telephone followup, and a literature review. The program strategies focus almost exclusively on enforcement and prosecution of gangs.

One challenge faced in developing a gang enforcement model is determining those processes and strategies that may be useful in many jurisdictions and not just in demonstration sites. Although gangs share characteristics such as trafficking in illegal drugs, committing violent crimes, and intimidating witnesses, they differ in others, such as degree of organization, ethnic background, and use of profits. No one prescription is universal for treating the gang problem; however, certain methods should prove more generally effective.

Although gangs share characteristics such as trafficking in illegal drugs, committing violent crimes, and intimidating witnesses, they differ in others, such as degree of organization, ethnic background, and use of profits.

The intended audience for the monograph is primarily law enforcement administrators, managers, supervisors, and prosecutors. Other criminal justice and community leaders who may find this document useful include: Probation and parole directors, judges, corrections administrators, city or county managers, city or county council members, and public housing police and security directors.

Model Strategies for Urban Street Gang Enforcement (Model Strategies) is composed of six key elements:

❏ Planning and analysis.

- Performing groundwork to articulate the nature and scope of the community's gang problem.
- Developing or improving a macro-level gang intelligence database, establishing realistic goals and objectives to counter gang problems, and developing strategies to meet objectives.

- ☐ Gang information and intelligence systems, which gather, input, and disseminate detailed (micro-level) database information.
- ☐ Gang suppression operations and tactics, which use gang data (for example, on culture, method of operation (MO), and form of organization) to select enforcement strategies.
- ☐ Interagency cooperation and collaboration with prosecutors' offices, probation and parole agencies, jails and courts, crime laboratories, and Federal agencies.
- ☐ Legal strategies.
  - ■ Planning law enforcement efforts toward prosecution under the most punitive charges available, based either on State laws (for example, felony drug trafficking, homicide, assault, robbery, or special anti-gang laws) or Federal laws (for example, Racketeer Influenced and Corrupt Organizations (RICO) Act, weapons, drug, or other), including laws that take advantage of sentencing enhancements.
  - ■ Using lesser charges that may be relatively easy to prove (for example, violations of nuisance abatement statutes; ordinances against congregating; and health, building, and zoning codes).
- ☐ Evaluation to assess strategy development and success.
  - ■ Performing a process evaluation to document and analyze the early development and actual implementation of the Urban Street Gang Drug Trafficking Program (Urban Street Gang Program).
  - ■ Performing an impact evaluation to measure the program's effect and the extent to which its goals were attained.
  - ■ Studying evaluation results to find ways to improve or expand the effort.

Introduction

This monograph is designed for law enforcement agencies interested in developing or refining existing strategies to combat urban street gangs. The primary audience is prosecutors and law enforcement administrators, managers, and supervisors. Other criminal justice and community leaders who may find the monograph useful include probation and parole directors, judges, corrections administrators, city or county managers, major city or county council members, and public housing police and security directors. The program model, or prototype, presented herein for gang enforcement is applicable whether or not a police department or prosecutor's office has a specialized gang enforcement unit. The prototype is based largely on the practical experiences of agencies that participated in the Urban Street Gang Drug Trafficking Enforcement Program (Urban Street Gang Program), funded by BJA, U.S. Department of Justice.

This chapter discusses the Urban Street Gang Program, explains its purpose and recommended use, and describes its intended users. Listed below are key elements of the gang suppression prototype, which are described in Chapter 2 and then discussed in subsequent chapters in greater detail:

- ☐ Planning and Analysis (Chapter 3).
- ☐ Gang Information and Intelligence Systems (Chapter 4).
- ☐ Gang Suppression Operations and Tactics (Chapter 5).
- ☐ Interagency Cooperation and Collaboration (Chapter 6).
- ☐ Legal Issues (Chapter 7).
- ☐ Evaluation (Chapter 8).

This monograph provides a clear rationale for the recommendations presented. An extensive bibliography in Appendix A details selected publications on topics covering drugs and gangs; gang prevention and intervention; police response to gangs; profiles of gangs in the United States; public housing, drugs, and crime; schools and gangs; and youth gangs. For further information, readers are encouraged to contact the agencies and gang specialists listed in Appendix B, Sources for Further Information and Technical Assistance.

Although effective law enforcement is critical, it represents only one element of a community's efforts to eliminate criminal street gangs.

Focus on Law Enforcement

To avoid duplicating other BJA materials, this monograph focuses almost exclusively on enforcement and prosecution strategies against urban street gangs. Although effective law enforcement is critical, it represents only one element of a community's efforts to eliminate criminal street gangs. A comprehensive approach is required—residents, prevention specialists, private businesses and organizations, schools, and others must get involved. Therefore, this monograph should be considered a companion to other gang suppression planning documents that encourage interagency collaboration, resident involvement, and problem-solving approaches.

Urban Street Gang Program

Many strategies described in this publication were used successfully by seven agencies that were awarded demonstration grants from 1989 through 1992 under Track I of the Urban Street Gang Program. The prototype presented draws upon the practical field experiences of these and other sites; program examples and case studies from the demonstration sites are included to illustrate how local objectives were met.

Track II of the Urban Street Gang Program involved a technical assistance grant to the Institute for Law and Justice (ILJ), which, in conjunction with BJA and the demonstration sites, developed the prototype and then prepared this monograph. In the context of the Urban Street Gang Program, a prototype is a model, but an early version of one. The prototype as a whole has not yet been rigorously evaluated, but it includes strategies that many sites have found successful.

The seven demonstration sites that contributed to development of the prototype were Tucson, Arizona; San Diego, California; Atlanta, Georgia; Ft. Wayne, Indiana; Kansas City, Missouri; Kings County (Brooklyn), New York; and New York County (Manhattan), New York. The Tucson, Atlanta, Ft. Wayne, and Kansas City grants were administered by the police departments in those cities; the San Diego, Kings County, and New York County grants were administered by the local prosecutors' offices. At all sites, ILJ reviewed program data and documents; conducted onsite interviews; observed program activities; and sought recommendations from local police, prosecutors, and others knowledgeable in gang programs.

Demonstration site key personnel discussed the manual outline at a grantee cluster conference in December 1992. Prior to publication, BJA and a panel of expert practitioners reviewed the final draft.

The Riverside and Oakland, California, Police Departments also assisted this project by granting onsite interviews and permitting ILJ to review their gang-related data and program materials. In addition, ILJ conducted a mail survey of 175 law enforcement agencies in cities of 250,000 or more residents and followup telephone interviews with gang unit commanders and other police managers at 25 sites that responded to the survey. Some of the program examples in this monograph were obtained from these sites. Finally, ILJ conducted a literature review to evaluate the results of other gang and drug enforcement programs sponsored by BJA.

Gang Problems Addressed by This Prototype

A challenge in developing the gang enforcement model was determining which processes and strategies would be useful in many jurisdictions while recognizing that each jurisdiction's resources and gang problems are unique. For example, the types of gangs targeted by the demonstration sites included the following:

- Black Gangster Disciples (BGD's) and Vicelords from Detroit, Chicago, and other midwestern cities.
- Crips and Bloods (San Diego, Kansas City, and Tucson).
- Dominican and Puerto Rican gangs (New York County (Manhattan)).
- Jamaican posses (Kansas City, New York County (Manhattan), and Kings County (Brooklyn)).
- Local African-American gangs (Atlanta and Ft. Wayne).
- Local Hispanic gangs (San Diego, Tucson, and Ft. Wayne).

These gangs had several characteristics in common, the most important being:

- Trafficking in illegal drugs.
- Committing violent crimes.
- Trafficking in or using illegally obtained firearms.
- Virtually overtaking certain neighborhoods, contributing to the economic and social decline of these areas and causing fear and lifestyle changes among law-abiding residents.
- Using force and threats of force to intimidate witnesses and victims.

This monograph will be most useful for jurisdictions with gangs that exhibit some or all of the above characteristics. Some of the ways that the prototype acknowledges that gangs differ, however, include:

- The degree to which the gang as a whole is organized as an illegal drug-trafficking enterprise.
- Other types of crimes in which gang members specialize.
- Ethnic background and racial composition.
- Organizational structure, turf orientation, and migration patterns.
- Ways in which gang members use the profits from their illegal activities.

Not all gangs of interest to law enforcement are drug-trafficking organizations; however, the gangs targeted by the BJA demonstration sites were all involved in selling drugs. Furthermore, although examples in this monograph may focus on drug-trafficking gangs, the prototype has broader application and may be useful in suppressing gangs that commit other types of crimes or have a different racial or ethnic composition than those targeted by the demonstration sites. For example, gang-related crimes may include murder-for-hire (for example, the Spangler posse), vehicle theft (for example, various local gangs and motorcycle gangs), extortion (for example, gangs affiliated with Chinese secret societies or tongs), home-invasion robberies (for example, Vietnamese gangs), and hate crimes (for example, skinheads and motorcycle gangs).

. . . more than 4,800 gangs exist across the country, numbering nearly 250,000 members.

According to a recent study sponsored by NIJ, more than 4,800 gangs exist across the country, numbering nearly 250,000 members.[1] It is impossible, however, to identify exact numbers because of differences in local definitions of gang and gang member, differences in recordkeeping systems at all levels of government, and the constant flow of individuals into and out of gang affiliations. Some of these definitional problems are discussed in Chapter 3. However, a primary distinction to make is between hardcore criminal gang members with their criminally involved adult and juvenile associates and the young juveniles or "wannabes" who may imitate certain gang behaviors but who are not involved in serious crimes. This monograph is basically concerned with the first group—the members and regular affiliates of criminal urban street gangs.

Varying Levels of Law Enforcement Resources

Nearly half of this country's 175 largest police departments lack separate gang units;[2] units that are in place vary considerably in size, function, and placement within the overall organizational structure. Although more than 90 percent of U.S. police and sheriff's departments of all sizes participate in some type of multijurisdictional law enforcement task force,[3] usually involving Federal and State enforcement agencies, only about half of the 175 largest departments report belonging to multijurisdictional task forces organized specifically for gang suppression.[4]

Working relationships with other police and criminal justice agencies also vary among departments. For example, housing authority police serve as a significant resource in some cities but are nonexistent in others. Some police departments (for example, Ft. Wayne and Tucson) foster solid relationships with probation and parole agencies for the purpose of gang suppression. Another example is San Diego, where two judges are designated to hear all major gang cases, differing from most other jurisdictions that do not have special gang courts.

Although prosecutors in many cities do not distinguish between gang-related and other cases, prosecutors in some areas, such as Los Angeles and San Diego Counties, use a vertical prosecution approach in which one prosecutor or a special team of prosecutors handles all gang-related cases from start to finish.

BJA's Urban Street Gang Program demonstration sites illustrate only a few of the ways in which gang suppression efforts may be enacted. The Kansas City Gang Narcotics Intelligence and Enforcement Program, for example, was managed by the police major in charge of the narcotics division, with investigative resources provided by the drug enforcement unit. In Atlanta, where development of a computerized regional gang database was a major objective, the project was supervised by a police lieutenant in charge of the special investigations section within the intelligence and organized crime unit. General oversight for the Ft. Wayne project was provided by the deputy chief in the detective division, which included a project coordinator (a sergeant in charge of crime analysis and database development) and a team of five career criminal investigators, two of whom were gang specialists. In Tucson, the deputy chief of the uniformed division was in charge of the gang suppression effort. In San Diego, the district attorney's (DA's) office expanded its existing gang unit by adding two attorneys to work closely with police and DA investigators in developing gang case investigations. The New York County DA's Office used BJA's Urban Street Gang Program resources to strengthen its homicide investigation unit (HIU), which focused on Jamaican, Dominican, and other violent drug gangs of Caribbean origin. In Kings County, the grant was administered by the head of the Major Narcotics Investigation Bureau of the Kings County Prosecutor's Office.

Gangs in the Year 2000

The California Attorney General's Office conducted a survey of criminal justice authorities to assess the current gang situation and forecast gang trends in the State of California for the year 2000. Published in 1993, the report, entitled *Gangs 2000: A Call to Action*, estimates that there are as many as 175,000 to 200,000 criminal street gang members in California. By the year 2000, that number could rise to 250,000. They will remain a significant, violent crime threat to all major metropolitan areas and will become a major crime problem for many of the rural counties.

Specifically, by the year 2000:

- There could be as many as 135,000 Hispanic gang members; 90,000 African-American gang members, particularly Crips and Bloods; 20,000 Asian gang members; and 5,000 white gang members, including approximately 600 skinheads. Gang size will range from a few individuals to more than 1,000 members.
- Due to the leniency of the juvenile justice system, gangs will recruit younger new members who will be used to commit crimes. There will be fourth-generation gang members. The age of gang members will range from 10 to 40, with many individuals in their late 30's, and members will stay involved with their gangs for longer periods of time. There also will be more female gang members and gangs.
- More gang members will become career criminals. Gang members will recognize the benefits of structure, and a few will evolve into organized crime groups.
- The number of serious crimes attributed to gangs will increase, and the majority of crimes will be felonious. The number of gang-related assaults, killings, and driveby shootings will reach an unprecedented high; police will become targets of many gang shootings; and gang warfare will escalate. Gang members will rely more on the use of concealable handguns and high-powered, large-caliber automatic assault weapons, and they will begin to use incendiary devices and bombs, including fragmentation and tear-gas grenades.
- Criminal justice agencies will be engulfed with gang-related investigations, prosecutions, and incarcerations. Gang members will outnumber law enforcement officers. Gang prosecutions will target only hardcore gang members. Courts will be gridlocked with gang cases. There will be an unprecedented number of gang members on probation and parole. The agencies will become "dangerously close to being solely reactive—rather than proactive—to the gang situation in California."

Although the report provides a sobering glimpse of the future regarding street gang crime and violence in California, it does not suggest that the situation is hopeless. Rather, the purpose of the report is to motivate the State to fashion bold solutions to prevent the future projected in the report.

For copies of *Gangs 2000: A Call to Action*, call 916–324–5500 or write to the California Department of Justice, Bureau of Investigation, 4949 Broadway, P.O. Box 163029, Sacramento, CA 95816–3029.

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Key Elements of the Gang Suppression Prototype

Although law enforcement resources, program administration, and type of gang problems differed among Urban Street Gang Program demonstration sites, each site was required to incorporate into its program the six key elements listed in Chapter 1 and described further in this chapter. These combined elements define the gang suppression prototype presented in this monograph. As stated earlier, although the final model has been refined based on the individual experiences of each demonstration program and other sites, these six basic elements remain the same.

Planning and Analysis

In the earliest stages of planning and analysis for a gang suppression effort, law enforcement officials must articulate the nature and scope of the community's gang problem. In many communities—particularly those that have little experience with gangs—the first reason for conducting a thorough assessment of the problem is to overcome the commonly encountered denial that criminal gangs even exist. Questions to ask to determine gang presence include the following: Are warehouses and school baseball dugouts covered with the graffiti of roving, loose-knit bands of mischievous but otherwise noncriminal youth? Is the increase in shootings a statistical aberration? Is the local market for drugs and weapons controlled by a handful of independent operators? Or, in answering these questions, is it indicated that a real gang menace exists? Once gang presence has been determined, questioning can become more directed. For example, investigating questions such as what gangs exist and which are the most violent, how large they are, how they are organized, who the leaders are, and what territories they claim will help yield a clearer picture of the type of gang problem that exists.

In the earliest stages of planning and analysis for a gang suppression effort, law enforcement officials must articulate the nature and scope of the community's gang problem.

Finding the answers to these and other questions about the nature and extent of gang presence is an essential first step that leads to establishing realistic goals and objectives (Chapter 3), developing or improving a gang intelligence database (Chapter 4), and developing strategies aimed at meeting these goals (Chapter 5). Many police departments have paid a high price for hastily devised efforts such as neighborhood gang sweeps. Potential risks of such efforts include injury to officers and innocent bystanders, recurrence of the problem a few days or weeks later, legal problems, and alienation of witnesses and residents who might otherwise provide valuable information and assistance.

A thorough analysis and carefully designed plan are essential for convincing department administrators and other agency directors, elected officials, and the public, among others, of the need to devote resources to a concerted gang suppression effort. Furthermore, following a well-thought-out plan is likely to have safer and longer lasting results. Chapter 3 details the planning and analysis phase of a gang suppression effort.

Gang Information and Intelligence Systems

Intelligence gathering and database support are closely linked with the planning and analysis phase. While the planning and analysis phase may be viewed as a macro analysis, the intelligence and database support phase is concerned with a finer level of detail. It addresses what information should be included in the gang database (for example, names, affiliations, associates, monikers, criminal histories, methods of operation (MO's), identifying marks, and addresses), how the information should be gathered and from what sources, and how this information may be disseminated to those who need it.

While the planning and analysis phase may be viewed as a macro analysis, the intelligence and database support phase is concerned with a finer level of detail.

The intelligence gathering and database development phase also necessitates the following:

☐ Using common definitions and establishing criteria for inclusion in a gang database.

☐ Developing information sources (for example, patrol officers, gang specialists, and informants) and systems for managing the information provided.

☐ Obtaining information from outside databases.

☐ Disseminating gang information.

Chapter 4 discusses the development of gang information systems to support tactical and management decisions and presents examples and case studies.

Gang Suppression Strategies and Tactics

The third element of the prototype encourages the use of gang information developed during the information support phase to select and implement enforcement strategies and tactics. It encourages carefully planned enforcement actions, with the goal of devising a comprehensive plan to eliminate the targeted gang or gangs. Such a plan includes:

☐ Careful consideration of the gang's cultural background, MO, form of organization, and unique characteristics.

☐ Development of strategies that will ultimately incapacitate gang leaders and the most violent and criminally involved members and associates.

☐ Specific agreements with other criminal justice agencies in support of the overall strategy.

☐ Followup involving all possible resources to secure and strengthen targeted neighborhoods and to prevent other gangs or gang members from filling the void left by successful gang elimination efforts.

This framework provides a range of options for devising strategies to address local problems. For example, the San Diego County District Attorney's (DA's) gang unit and the New York County DA's Homicide Investigation Unit (HIU) used approaches appropriate to their individual situations. The San Diego strategy used paid informants to make videotaped drug buys in targeted neighborhoods, resulting in the eventual arrest of street-level and mid-level members of the Crips, the Bloods, and another gang. The majority of gang members arrested pleaded guilty and were sentenced to prison. In contrast, the New York County strategy used undercover investigators who infiltrated the organizations of targeted Jamaican and Puerto Rican gangs and made drug and gun purchases that resulted in multiple indictments of gang leaders.

Collaboration with other criminal justice agencies is critical to the success of a law enforcement agency spearheading a gang enforcement initiative.

Chapter 5 summarizes key characteristics of various criminal gangs, including cultural factors, criminal history, organizational type, and strengths and vulnerabilities. It also offers general guidelines for selecting tactics in light of these characteristics, discusses possible drug and gang investigation and suppression tactics, and provides an overview of the role of directed patrol activities, community policing, and enforcement of abatement ordinances and various codes and statutes.

Interagency Cooperation and Collaboration

Collaboration with other criminal justice agencies is critical to the success of a law enforcement agency spearheading a gang enforcement initiative. Cooperation between police and prosecutors and coordination with probation and parole agencies, jails and courts, crime laboratories, and Federal agencies are also essential.

Chapter 6 discusses vertical prosecution strategies, using detailed examples from Pima County, Arizona, and San Diego County, California. Prosecutor and police strategies for witness identification and protection, essential in gang-related cases, are presented. Also covered are motions to deny bail and other measures used successfully by gang prosecutors. Included are examples of police cooperation with probation and parole agencies to establish and enforce conditions of probation.

The gang suppression prototype recommends coordination with jail and prison officials for several reasons: To enable jail officials to prepare for an influx of arrested gang members, to attend to special courtroom security needs, to arrange interviews of imprisoned gang members, and to facilitate the flow of information gathered by jail and prison personnel. Coordination with the crime laboratory can result in more efficient and accurate processing of physical evidence as well as improve the scheduling and effectiveness of crime laboratory personnel court testimony.

Finally, the prototype encourages cooperation with Federal agencies, which can benefit from extensive gang information accumulated by local agencies and from local agency experience in combating street gangs. Local agencies often find the Bureau of Alcohol, Tobacco and Firearms (ATF) a valuable partner in street gang enforcement because of its information about gun dealers, its ability to provide intelligence and trace the origin of weapons, and its backing by powerful Federal weapons statutes. Many functions of the Federal Bureau of Investigation (FBI), Drug Enforcement Administration (DEA), and Immigration and Naturalization Service (INS) also can be applied to specific local gang problems. In addition, the U.S. Marshals Service may assist with witness protection, fugitive apprehension, and asset seizure and forfeiture.

Legal Issues

As the discussion of interagency collaboration suggests, the gang suppression prototype recommends exploring all possible legal avenues to incapacitate gangs and remove violent gang members and associates from the community. Often the most productive route is prosecution in State courts on felony drug trafficking, homicide, assault, robbery, or other appropriate charges. Other situations lend themselves to a collaborative effort with the U.S. Attorney and other Federal resources toward prosecution under Federal weapons, drug, Racketeer Influenced and Corrupt Organizations (RICO), or other laws. Chapter 7 presents major considerations involved in pursuing these options, along with case examples, including the Philadelphia Violent Drug Traffickers Project.

Without systematic evaluation, the police department and community cannot adequately assess the effectiveness of the gang suppression strategy.

In recent years, many States have passed specialized gang statutes, with the California Street Terrorism Enforcement and Prevention (STEP) Act serving as a model. These statutes may make active membership in a street gang by itself a separate offense; more often, they allow sentence enhancements for gang-related crimes. Chapter 7 covers some of these laws, the extent of their use, the results of their application in selected jurisdictions, and the burdens of proof involved. It also covers the applicability of State and local laws to gang problems, such as nuisance abatement statutes; ordinances against congregating; and health, building, and zoning code violations. Finally, Chapter 7 relates the experiences of certain jurisdictions with administrative regulations, such as school policies that ban pagers and the display of gang colors.

Evaluation

Regular monitoring of operations and ongoing assessment of progress toward meeting stated objectives are essential features of the gang suppression prototype. Without systematic evaluation, the police department and community cannot adequately assess the effectiveness of the gang suppression strategy. Careful evaluation will illuminate strategy strengths and weaknesses and suggest ways for improvement. Evaluation results will also help other jurisdictions apply the prototype in their own communities and, with evidence of success, provide funding sources.

Chapter 8 presents some basic concepts to consider in conducting evaluations. Although evaluation is the last phase covered in this monograph, preparation for evaluation must occur earlier during the project planning stage. As noted in Chapter 3, planning and analysis will help describe the environment in which the program is operating, as well as provide more specific information about gangs and their impact on the community. It may also reveal areas where new data collection procedures are needed. Because planners must determine up front how they will measure project success, evaluation design is an important part of establishing project objectives.

To be effective, the evaluation should offer useful management information for the constant revision and improvement of operations.

In general, the evaluation seeks to answer several critical questions:

☐ Was the program implemented as intended?

☐ What specific activities were implemented?

☐ Did these activities help attain specific objectives?

☐ Were the program goals achieved?

☐ To what extent were successes or failures a result of factors external to the program?

To answer these questions, a two-stage approach to evaluation is needed:

☐ A process evaluation, documenting and analyzing the early development and actual implementation of the program.

☐ An impact evaluation, measuring the program's effect and the extent to which its goals were attained.

Although the evaluation need not be tedious or expensive to produce meaningful results, it must consist of more than a simple listing of the number of arrests, amount of drugs seized, and number of weapons confiscated. To be effective, the evaluation should offer useful management information for the constant revision and improvement of operations.

Planning and Analysis

Police managers and prosecutors emphasize the importance of planning before launching any major anti-gang effort. In some cases, this advice follows an agency's failure to plan carefully enough. At one extreme, the community—and at times even the police—may simply refuse to admit that a gang problem exists. At the other extreme, a recognized gang problem is attacked quickly through crackdowns or street sweeps, but with little thought to the importance of gaining community support beforehand and following up afterward.

This chapter reviews the main tasks associated with planning gang suppression strategies, namely:

☐ Clearly defining common key terms such as gang, gang member, and gang-related so that data comparisons across agencies will be meaningful.

☐ Using information and intelligence both from inside and outside the agency to clarify the nature and extent of the gang problem.

☐ Using information and intelligence to target priorities (that is, specific gangs, neighborhoods, and individuals) and then develop enforcement strategies accordingly.

☐ Inventorying all possible resources inside and outside the department that may be used to address the gang problem.

☐ Keeping the effort focused by developing specific goals, objectives, and priorities.

☐ Ensuring that adequate management tools are in place, including a time/task plan, written policies and procedures, and an evaluation plan.

The way in which agencies define gang, gang member, hardcore gang member, gang associate, gang-related crime, and other terms significantly affects planning and analysis.

The Need for Common Definitions

The way in which agencies define gang, gang member, hardcore gang member, gang associate, gang-related crime, and other terms significantly affects planning and analysis. For example, in the Chicago Police Department, a crime in which one or more parties (that is, perpetrator, victim, and witness) have gang affiliations is classified as gang related only if a gang motive is determined. By contrast, in Los Angeles, gang affiliation alone is enough to apply the label "gang related."

Because information will be gathered from sources outside the department, as well as outside the city or county, it is necessary to adopt common definitions, at least within the jurisdiction and region. Agreeing on definitions is also critical to the development of a uniform gang intelligence database, useful to all States and agencies (see Chapter 4).

Analysis

"Every writer on warfare, from the time of the ancient Chinese warrior Sun Tzu to the present, has stressed the principle of knowing your enemy and his strengths and weaknesses as well as your own."[5] Analysis allows law enforcement agencies to understand the mechanics of the "enemy"—violent street gangs whose members often have more sophisticated weapons than the police—by seeing it "from the inside out." This chapter is intended to help law enforcement agencies ensure that gangs are not also armed with better planning and analysis capabilities. To win the war on gang violence, community police departments must have detailed information about the following:

To win the war on gang violence, community police departments must have detailed information . . . .

- Nature and extent of the gang problem.
- Environment in which the gang problem exists.
- Resources available to combat the problem.
- Community and police department strengths and weaknesses and potential pitfalls associated with planned solutions.

Analysis can help accomplish the following goals:

- Overcome denial of the gang problem within the community or police department.
- Enable the department to develop a realistic plan of action.
- Ensure that the enforcement strategies selected are based on accurate assessments of gang operations and accurate profiles of key gang members or associates.
- Help develop or improve a computerized gang database (Chapter 4).
- Provide baseline information for developing performance standards and evaluation measures (Chapter 8).

Types of Analysis

Experts at the Middle Atlantic Great Lakes Organized Crime Law Enforcement Network encourage law enforcement to distinguish among three basic types of analysis: crime analysis, including analysis of problems that contribute to crime but are noncriminal in themselves; investigative analysis; and strategic analysis.[6]

Each analytic type offers distinctive features. Crime analysis involves analyzing data from the past (for example, a series of crimes committed in a particular geographic area), with the objective of preventing similar crimes. Traditionally, crime analysts have compiled such data from arrest reports, offense reports, computer-assisted dispatch records of calls for service, and other official records. However, police departments increasingly are embracing a community-oriented policing philosophy that encourages not only crime analysis, but also examination of noncriminal incidents that create community problems (such as gang members congregating on street corners) and the underlying causes of crimes and problems. Informational sources for problem analysis include official criminal justice agency records and community residents and agencies. Thus, the individual officer's gang-related problem analysis also should be considered.

Investigative analysis involves analyzing current data that may be useful in completing an ongoing investigation or prosecution. This term actually encompasses many types of analyses, including telephone toll, association, financial, and flow analyses.

Strategic analysis is conducted outside the course of a specific investigation and is concerned with a particular criminal group (for example, criminal street gangs) or criminal activity. The aim is to give decisionmakers information about trends, predictions about future crimes, and recommendations for strategies and policy. The differences among these three types of analysis as distinguished by time, purpose, and subject are summarized in Exhibit 1.

Exhibit 1 Types of Analysis

Distinction	Crime/Problem	Investigative	Strategic
Time	Reactive to past	Responsive to present	Predictive of future
Purpose	Crime prevention	Solution of current case	Management tool
Subject	Series of crimes	Particular investigation	Group or criminal activity

Marilyn P. Sommers, "Law Enforcement Intelligence: A New Look," *International Journal of Intelligence and Counter Intelligence*, Intel Publishing Group, Inc., Vol. 1, No. 3, p. 26. (n.d.)

Levels of Analysis

In planning the community's gang suppression strategy, it is useful to consider strategic analysis on two levels: (1) global, involving an assessment of a criminal group (for example, criminal gangs) or a particular crime type (for example, drug trafficking), with a comprehensive gang suppression strategy end product, and (2) specific, involving an analysis of a given group's involvement in a specific type of crime (for example, the involvement of the 47 Hoover Crips in drug trafficking), the end product being an operational plan targeted to a specific gang or specific gang members.

The narrower the topic, the more specific is the information produced. Thus, a specific level of strategic analysis, typically conducted by investigators, is essential for planning enforcement actions aimed at specific gangs or gang members. However, only by first conducting a global assessment of the community's larger gang problem can the police department develop a comprehensive strategy for gang suppression.

Of course, information must flow between the two levels of analysis. Enforcement action planned at the specific level should complement the overall suppression strategy. Similarly, the results of any such enforcement action should be available to decisionmakers so that the overall strategy can be modified accordingly.

Assessment of Criminal Gang Activity

Several basic tasks are involved in assessing criminal gang activity. These include determining the nature and extent of the gang problem, considering patterns and trends of gang activity, examining the environment in which gangs operate, and using various information sources to collect useful raw data.

The Nature and Extent of the Gang Problem

. . . assessment results can and should be available to other agencies and the public to help ensure that the jurisdiction's gang problem as a whole is neither understated nor overstated.

The first assessment task is to determine the nature and extent of the jurisdiction's gang problem. This assessment moves the department and community away from generalities (for example, "We have a serious gang problem" or "We have no gang problem") to specific information about the number of criminal gangs, their main characteristics, the crimes in which they are involved, and the neighborhoods that are in greatest jeopardy.

Compiling and analyzing information on specific gangs and gang members is necessary to inform investigators as well as the public. Although certain details about gang members and activities will be included in an intelligence database but not released to the public, other assessment results can and should be available to other agencies and the public to help ensure that the jurisdiction's gang problem as a whole is neither understated nor overstated.

Information to be obtained and organized includes the following:

☐ General information.
  - Number and names of gangs and their subgroups (or sets).
  - Number of members and associates.
  - Locations of gang-related crime.
  - Types of gang-related crime.
  - Victims of gang-related crime.

☐ Information on specific gangs and gang members.
  - Names of leaders, violent members, and key associates (include information such as identifying characteristics, criminal history, methods of operation (MO's), probation or parole status, and anticipated release dates of incarcerated members).

- Age range of gang members.
- Gender of gang members.
- Ethnic composition of gang.
- Organizational structure.
- Recruiting process.
- Identifying signs (for example, graffiti, tattoos, and colors or hand signs).
- Geographic range of criminal activity.
- Extent of involvement in drug trafficking (include information such as drug-trafficking locations, including those beyond the agency's jurisdictional boundaries; drug types and sources; and drug customers).
- Extent of involvement in weapons offenses (include information such as weapon types and sources).
- Extent of involvement in other crimes.
- Relationships with other local gangs.
- Linkages to gangs in other jurisdictions.
- Patterns of spending or investing profits of crime (for example, purchases of luxury items, investment in real estate or legitimate business, and transportation/transfer of funds out of the country).

To produce an accurate understanding of gang activity, the assessment process must seek to identify patterns and trends, not simply compile raw crime statistics.

Analysis of the above information can reveal important patterns and trends, the usefulness of which is covered in the following sections.

Gang Patterns and Trends

To produce an accurate understanding of gang activity, the assessment process must seek to identify patterns and trends, not simply compile raw crime statistics. Descriptive information and data covering several recent years will be needed to uncover patterns and trends. If important data are not available, systems should be established to capture and track them.

Questions to ask in the process of uncovering patterns and trends of gang activity include the following:

- ☐ Is gang activity confined to specific neighborhoods, or is it a communitywide problem? Have the neighborhoods targeted by gangs shifted or remained the same?
- ☐ Have gang-related crimes increased or decreased in the past 5 years?
- ☐ Has the number of gangs and gang sets changed? Are they larger or smaller? Are they more organized, more fragmented, or about the same?

- ☐ Are gangs recruiting younger persons than in the past?
- ☐ Have significant shifts occurred in gang leadership?
- ☐ Have changes in gang activity or crimes coincided with the imprisonment or release of key gang members?
- ☐ Do gang members tend to live in one jurisdiction and commit crimes in another?
- ☐ Are there seasonal variations in the level or type of gang activity?
- ☐ What observations or data can schools provide about gangs, violence, drugs, and guns on school grounds or involving students?

By examining patterns and trends, the assessment may uncover not only generalizations about gang activity, but also exceptions to the rule. In 1991, the then U.S. Attorney General characterized most criminal street gangs as "relatively unsophisticated [compared with traditional organized crime groups], typically with a cellular or horizontal rather than vertical structure. Their leadership is often more exposed than insulated; their ill-gotten gains are seldom protected by creative money laundering schemes; and their approach to conflict resolution is frequently based on firepower."[7]

An assessment of the environment begins with several broad questions to identify conditions that could be addressed within a long-range gang suppression strategy . . . .

Although this general description may still hold true, a proactive local law enforcement agency must be alert to change. In some cities, gangs committed to making money (for example, through drug trafficking) have given up the wearing of colors and other outward signs of gang affiliation in favor of the greater safety of a low profile. Others have adopted more conventional appearances as they move into legitimate businesses. Some gangs have members or informants who apprise them of police policies, operations, and schedules. Still others have gone high tech. They may use not only cellular phones and pagers, but also computers, state-of-the-art surveillance equipment, and sophisticated weapons.

The Environment

In addition to developing information about criminal gang member characteristics and activities, the assessment process examines the environment in which gangs operate, including relevant social, demographic, economic, and legal factors in the community as a whole and in targeted neighborhoods.

The Jurisdiction as a Whole. An assessment of the environment begins with several broad questions to identify conditions that could be addressed within a long-range gang suppression strategy:

- ☐ Why do some communities have gang problems while others do not?
- ☐ What factors have permitted gangs to gain a foothold in particular jurisdictions?

- ☐ What conditions have made specific neighborhoods particularly vulnerable to gangs?

Regarding the community as a whole, the assessment must consider factors such as the following:

- ☐ Transportation systems by which gang members and/or drugs enter and leave the jurisdiction, along with current interdiction efforts.
- ☐ Level and type of gang activity in nearby or easily accessible jurisdictions and the anti-gang strategies employed by those jurisdictions.
- ☐ Federal and State laws (drug, weapons, conspiracy, and Racketeer Influenced and Corrupt Organizations (RICO)); specialized State anti-gang legislation; State nuisance abatement laws; local codes, nuisance ordinances, gang-free zones, and others (see Chapter 7).
- ☐ History of gang and drug enforcement efforts in the jurisdiction.
- ☐ Political climate (for example, public acknowledgment or denial of a gang problem and history of police relationships with the community).

By examining the jurisdiction as a whole, the assessment can identify more broad-based factors that may enhance the development of a long-range gang suppression strategy.

Targeted Neighborhoods. Although gang activity may extend throughout the community, certain areas or neighborhoods may be hardest hit and will become the targets of gang suppression efforts. For gang activity in specific neighborhoods, an environmental assessment would address the following factors:

Although gang activity may extend throughout the community, certain areas or neighborhoods may be hardest hit and will become the targets of gang suppression efforts.

- ☐ History of gang presence in the neighborhood (for example, have gangs existed there since the turn of the century or are they a recent phenomenon).
- ☐ Demographic changes in the neighborhood (for example, changes in average age of the population).
- ☐ Changes in economic conditions and employment opportunities in the neighborhood.
- ☐ Changes in social conditions, educational opportunities, and recreational and other resources for residents and their children.
- ☐ Physical condition of dwellings, streets, and common areas (for example, abandoned and boarded-up buildings, abandoned cars, accumulated trash, and broken lighting); public housing areas; and parks.
- ☐ Types of businesses in the neighborhood (for example, bars and liquor stores).

☐ Ownership of buildings in which gang members reside or gang activity takes place.

Following a criminal gang assessment process, such as one outlined above, will help the community and police department develop an informational tool that will aid in planning the overall gang suppression strategy.

Information Sources

All information that may prove useful in eliminating gangs is of interest to police departments. Some of this information will meet criteria for entry into a computerized gang intelligence database (see Chapter 4). Other information will be descriptive of the environments in which gangs operate or will portray criminal gang activity, crime patterns, and trends.

All information that may prove useful in eliminating gangs is of interest to police departments.

Information from police records (for example, offense reports) will be useful if it is coded to indicate whether the incident is possibly gang related. Many departments have a check-off box on their incident report forms for patrol officers to indicate knowledge or belief that one or more parties (that is, offender, victim, or witness) are affiliated with a gang. In Ft. Wayne, Indiana, for example, each morning crime analysts review all reports from the previous day that have been so marked and enter relevant information into the gang database that is housed in the detective division. If the database is to be a complete and reliable resource, patrol officers must be encouraged to report gang activity on a consistent basis.

Information sources to be explored during an assessment of the jurisdiction's gang problem include those listed below. The use of undercover officers and confidential informants is discussed in Chapter 5.

☐ Local law enforcement agency.

  - Call-for-service data.
  - Incident and arrest reports.
  - Field contact cards or reports.
  - Citizen complaints and neighborhood or business watch groups.
  - Analysis of community hot spots.
  - Internal reports.
  - Officer experiences and observations.
  - School liaison officers.
  - Crime tiplines or crime solvers programs.
  - Confidential informants.
  - Undercover officers.
  - Arrestee interviews.

☐ Other criminal justice sources.

- Regional gang and drug enforcement task forces.
- State police.
- Police and sheriff's departments in surrounding jurisdictions.
- Federal law enforcement agencies.
- Prosecutors.
- Juvenile probation officers.
- Adult probation and parole officers.
- Juvenile and adult court judges.
- Court services workers.
- U.S. Attorney General's office.
- State department of criminal justice.

☐ Other sources.

- Community-based organizations.
- Social service agencies.
- Schools.
- Code enforcement, health, zoning, and other city or county agencies.
- Crime victim assistance services.
- Beat profiles.
- Community.

Using a wide range of relevant informational resources, such as those listed above, will provide a broad information base for conducting an assessment of the jurisdiction's gang problem.

The assessment process also involves taking an inventory of criminal justice and other resources that are currently involved, or that might become involved, in helping the department meet its gang suppression objectives.

Inventory of Resources

The assessment process also involves taking an inventory of criminal justice and other resources that are currently involved, or that might become involved, in helping the department meet its gang suppression objectives. Resources may be grouped into three categories: Resources available to combat gangs in the jurisdiction as a whole, resources available to address the gang problem in specific neighborhoods, and resources available to aid in the investigation of selected individuals.

In determining the availability of citywide or countywide resources, the department will need to review the following:

Gangs may become entrenched in a neighborhood because the neighborhood lacks, or has lost, strong organization.

☐ Internal divisions and units currently responsible for gang intelligence gathering, investigations, database management, and enforcement.

☐ Support provided by other divisions and specialized units for current gang suppression efforts, including patrol and community police officers; drug enforcement; career criminal and organized crime; tactical (for example, special weapons and tactics (SWAT)); juvenile investigators and school resource officers; and crime analysis, research and planning, and records.

☐ Support from other criminal justice agencies, including Federal agencies such as the Internal Revenue Service (IRS), U.S. Customs Service, U.S. attorneys' offices, the Bureau of Alcohol, Tobacco and Firearms (ATF), the Federal Bureau of Investigation (FBI), the Drug Enforcement Administration (DEA), and the Immigration and Naturalization Service (INS); State police and prosecutors; corrections; probation and parole and courts; housing authority police and security personnel; and campus police.

☐ Support from law enforcement agencies in other jurisdictions.

☐ Current police/prosecutor agreements and systems regarding gang cases.

☐ Agreements and working relationships with other organizations involved in gang issues (for example, schools, prevention programs, and victim assistance agencies).

☐ Training resources.

☐ Technical assistance resources (for example, regional and national criminal justice associations and organizations and colleges and universities).

☐ Equipment needed and available.

Resources to support police intervention in targeted neighborhoods may include:

☐ Resident organizations.

☐ Business groups.

☐ Churches and church organizations.

☐ Community-based organizations such as gang prevention or intervention programs.

☐ Public housing tenant associations.

Potential resources such as these may require time to develop. Gangs may become entrenched in a neighborhood because the neighborhood lacks, or has lost, strong organization. Once gangs become established, many residents become increasingly afraid to be seen talking to police. Still, a few strong individuals may be identified and cultivated as sources of information and potential leaders. These individuals and community organizations also will be essential to achieving long-term stability after enforcement actions have taken place.

Resources that aid in targeting selected individuals include:

- ☐ Departmental gang database and other records.
- ☐ Databases developed by other local jurisdictions.
- ☐ Federal gang, drug, and other databases (see resource organizations listed in Appendix B).
- ☐ Development of new intelligence gathering sources (for example, school resource officers and victim services units).

Cultivating criminal justice and other resource contacts that may help the department meet its gang suppression objectives is essential to developing and maintaining community stability.

Experienced police departments advise first to develop and analyze intelligence and information about gangs in the jurisdiction and then determine organizational implications.

Implementation and Management Plan

Another fundamental task in planning gang suppression strategies is ensuring that adequate management tools are in place. Accomplishing this task requires analysis of police department organizational issues once the department has developed and analyzed intelligence and information about gangs in its jurisdiction. It also requires setting goals, objectives, and priorities; developing and implementing enforcement and communications strategies; assessing training needs; and considering the type of data that would be meaningful for later evaluation.

Department Organizational Issues

When a serious problem emerges, often a department's first reaction—occasionally under intense political pressure—is to form a special unit to deal with it. However, special units are not always the most effective way to combat gangs. Experienced police departments advise first to develop and analyze intelligence and information about gangs in the jurisdiction and then determine organizational implications. Although ongoing intelligence efforts are a must, there are many alternatives to forming a gang unit. If the agency later determines that a gang unit is needed, there are many ways in which the unit may be structured and placed within the agency.

The decision not to form a gang unit does not imply there is no need for gang specialists (that is, officers whose experience and training give them a more in-depth understanding of gang problems). However, the decision to place these officers in a special unit or assign them to investigations, juvenile, patrol, crime analysis, or another division should be a local decision

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based on thorough analysis of the problem. All officers will require basic training on gang characteristics, intelligence gathering and reporting, and special enforcement considerations.

Goals, Objectives, and Strategies

Goals and objectives express end results to be achieved, but they differ in specificity. A goal is a broad statement of a desired result. An objective states interim results needed to attain the goal. For example, a specified goal may be to protect the community through long-term incarceration of hardcore gang offenders. Objectives related to this goal might include the arrest and prosecution of leaders of the gangs that control drug trafficking in the specified area and, under Federal or other firearms statutes, the arrest and prosecution of a specified number of hardcore criminal gang members.

Whenever possible, objectives should be stated in measurable terms so the degree of progress can be assessed and the scope of work is readily apparent. Strategies and tasks then may be developed to support each of the stated objectives. For complex tasks, subtasks also will need to be stated.

Goals and objectives serve as the basis for an action plan that helps keep all members of the enforcement team focused.

Goals and objectives serve as the basis for an action plan that helps keep all members of the enforcement team focused. Most comprehensive plans will contain a combination of long- and short-term objectives that decisionmakers will need to prioritize. Once the goals and objectives have been clearly stated, the agency will be in a better position to select the most appropriate enforcement strategies. The strategies employed will depend on factors such as the degree to which the gang is organized as an illegal enterprise, the types of crimes in which members specialize, cultural and language barriers, the ways in which gang members spend or invest their illegally gained profits, and the support of residents in a targeted community. Chapter 5, which covers operations and tactics, discusses these issues more fully. The implementation plan also should address how task accomplishment will be monitored.

Communication and Publicity

The implementation and management plan also should indicate how departmental units and agencies, the community, and the media, among others, will be informed about the gang suppression effort and its accomplishments. For example, gang prosecutors often aggressively publicize convictions of major gang figures, with the hope that the publicity will have a deterrent effect. The Los Angeles District Attorney's (DA's) Office uses this approach, printing photographs of convicted gang-member felons and posting them around the offender's home turf. The implementation plan should consider all vehicles that may be used to inform people of the gang suppression effort and its outcomes; presentations at neighborhood meetings and newspaper and television coverage are just two of such methods.

Training

It is also important to analyze the training needs of personnel involved in the gang suppression effort. Training should emphasize the importance of developing a multiagency, community-based approach to addressing the gang problem and devising long-term strategies.

Training should extend to practitioners throughout the criminal justice community: patrol, narcotics, and gang unit supervisors; prosecution planners and supervisors, including assistant DA's; and juvenile and adult probation planners and supervisors.

Training should emphasize the importance of developing a multiagency, community-based approach to addressing the gang problem and devising long-term strategies.

Evaluation

Results of the planning and analysis tasks will provide the department with a baseline portrait of the community's gang-related problems, without which before-and-after comparisons cannot be made. The analysis task also can pinpoint areas in which recordkeeping systems should complement the actual needs for gang information.

During the planning process, the department must consider what type of data would be meaningful for later evaluation. For example, if eliminating drug trafficking by the 86th Street Crew is an objective, how will the department know (or clearly demonstrate to the public) that the strategy has been successful? Such questions must be considered during the planning phase. Chapter 8 on evaluation should be reviewed in conjunction with this chapter to help planners set up data collection systems that will be valuable for evaluating the success of various gang suppression strategies.

Gang Information and Intelligence Systems

According to experienced agencies, obtaining adequate intelligence data on a gang is a prerequisite to any enforcement action. Intelligence gathering on gangs and gang members supports proactive enforcement by patrol officers and gang specialists; investigations by narcotics, homicide, and other units; and decisions by individuals responsible for managing the agency's gang suppression strategy.

In this chapter, the discussion of the gang intelligence gathering function centers on collecting, processing, and disseminating information involving gang-related crimes and criminal activities. The gang databases advocated herein contain substantiated information.[8]

Importance of the Gang Database

Discussed below are five key reasons why gathering gang information is the essential first step in developing a gang suppression strategy:

Overcoming Denial

In some communities, gang enforcement and suppression actions are not initiated because of the widespread denial of a gang problem. Government leaders, influential members of the business community, and even elements within law enforcement may deny the existence or understate the seriousness of gang problems. The gang intelligence database together with other information on gangs (see Chapter 3) often can overcome such skepticism and demonstrate that the real danger is not to the reputation of the community, but to its residents. Gang intelligence can help the agency gain the collaborative support needed to deal decisively with gang issues.

Gang intelligence can help the agency gain the collaborative support needed to deal decisively with gang issues.

Targeting Gangs

Law enforcement resources are limited. Therefore, prioritization based on sound information is necessary. Addressing the following questions will help target gangs: On which gang, gangs, or gang members should the agency focus? Who are the violent, hardcore members who will be prime targets for suppression tactics? Who are the youth at risk of becoming gang members and who will be candidates for measures designed to divert them from gang involvement? Determining such information will help prevent the misallocation of resources as a result of misgauging or overstating the gang threat.

Selecting Suppression Strategies and Tactics

Information on the nature, methods of operation (MO's), and crimes of each targeted gang helps identify appropriate enforcement and investigative tactics. For example:

- ☐ Whether a gang is turf oriented or primarily entrepreneurial (for example, engaged in drug or weapons trafficking) determines which tactics will be used. For instance, if a gang leader does not use or sell drugs, but is known to be armed or interested in buying or selling guns, the investigation would be developed accordingly.
- ☐ Knowledge of how tightly a gang is organized affects whether a Racketeer Influenced and Corrupt Organizations (RICO), conspiracy, or similarly complex investigation would be worthwhile.
- ☐ Use of infiltration by undercover officers would be determined by certain critical information. For example, it would not be used for a gang of illegal immigrants that admits only persons who have committed a capital offense in their native land, a gang that requires new members to commit a felony, or a gang whose members speak a language or dialect in which no investigating officers are fluent.

Increasing Officer Safety

Knowledge of specific gang MO's and gang member characteristics can alert agencies to potential dangers. For example, some Indochinese (that is, Cambodian, Laotian, and Vietnamese) street gangs have been reported to employ tactics used by U.S. military forces in Vietnam; Jamaican gangs in Brooklyn, street gangs in Oakland and Chicago, and others have taken advantage of the physical layout of housing complexes, stationing armed lookouts on rooftops and armed guards at entrances and in hallways; and the Miami Boyz in Atlanta, among other gangs, have taken out a contract on an officer's or prosecutor's life. These few examples illustrate the dangers involved in gang suppression operations.

Tracking Gang Mobility

Certain street gangs are highly mobile, traveling from jurisdiction to jurisdiction, while others reside in one community but commit crimes in a nearby city or county. Such situations require considerable interagency cooperation and often the formation of multiagency task forces. Similarly, interjurisdictional gang problems make it necessary for adjacent jurisdictions to move away from insular, agency-based information systems toward a gang database that allows for information sharing among the affected jurisdictions within the region and beyond, as needed (see The GREAT System).

The GREAT System

The Los Angeles County Sheriff's Department's (LASD's) Gang Reporting, Evaluation, and Tracking (GREAT) System is a nonprofit computerized database used by LASD as an investigative intelligence tool to identify and track street gangs and their members. Out of an estimated 500,000 to 750,000 gang members in the United States, the GREAT database currently contains 200,000 records.

GREAT links State and local GREAT databases nationwide and contains, among other things, a master index of street gang member records that participating law enforcement agencies may use to identify and access information about subjects from one another's databases.

Since 1987, GREAT has maintained selected information on identified street gang members principally in the Los Angeles area and to a lesser extent in areas of participating law enforcement agencies nationwide. These agencies have access to data in GREAT records through their computer systems for use in investigating criminal activities by gang members in their areas.

GREAT uses Advanced Revelation, a user-friendly database application that offers capabilities such as automatic report generation, security and password encryption, and photo imaging.

To access GREAT, agencies must request authorization, as defined in Federal regulations. Before access is approved, the need for access based on the extent of the gang problem in each jurisdiction is determined and reviewed. Access is not granted to all requesting agencies. However, more than 130 law enforcement agencies in 10 States have been granted direct access to GREAT.

Online users access GREAT through their computer systems using a series of confidential system access codes and individual passwords. Offline users (agencies without direct access) can obtain access by calling online users. Online users are required to verify the identity of offline requesters and determine their right and need to receive information from GREAT. Each record contains an audit trail that records the names and agencies of online users who queried or modified the record. This permanent and unalterable part of GREAT records is designed to deter unauthorized access to and misuse of records. Each record also displays a message to users emphasizing that the information is never to be used as probable cause for arrest.

Another GREAT design feature is that records are purged automatically if they have not been modified or updated for 5 years. However, each time a record is modified or updated, the countdown begins anew.

LASD emphasizes the importance of determining criteria to be used in identifying gang members and indicating in each record which criteria were used. A new record cannot be created in GREAT unless criteria are indicated. GREAT also protects the associates and acquaintances of gang members by preventing access to their names from the system unless they have also been identified as gang members.

For more information about GREAT operations, contact LASD's Safe Streets Bureau at 310–603–3105. To find out about GREAT software, contact the Law Enforcement Communication Network at 310–543–3195.

Determining Content of the Gang Database

How one defines gang, gang member, and gang crime largely determines the type and amount of information entered into the gang database. The matter of definitions is not just academic—it has practical ramifications. For example, some States have anti-gang statutes that contain definitions of some or all of these terms for purposes of law enforcement, prosecution, and sentencing. If agency definitions (and databases) do not include all elements of statutory definitions, use of those special gang laws may be precluded.

To survive court challenges, the definition of gang member must be constructed carefully. Also important are definitions of the types of members or aspiring members (for example, hardcore or associate). The definition of gang incident or gang crime should be uniform across jurisdictions within

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a region, especially if intelligence and a common database are shared. Differences in the definition of gang crime can almost by themselves account for a reported higher rate of gang incidents in one jurisdiction than in another.

How Gang-Related Definitions Affect Database Content

Definitions of street gang usually include most or all of the following elements:

- ☐ Three or more individuals associate periodically as an ongoing criminal group or organization, whether loosely or tightly structured.
- ☐ The group or organization has identifiable leaders, although the leader for one type of criminal activity may be different than the leader for another.
- ☐ The group has a name or identifying symbol.
- ☐ The organization's members, individually or collectively, currently engage in or have engaged in violent or other criminal activity that includes homicide, assault with a deadly weapon, aggravated battery and assault, arson, intimidation of witnesses and others, robbery, forcible rape, kidnaping, vandalism (graffiti), burglary and larceny, and drug trafficking. In most instances, gang crime involves violence, drugs, weapons, or a combination thereof.
- ☐ The group frequently identifies with or claims control over specific territory (turf) in the community, wears distinctive dress and colors, and communicates through graffiti and hand signs, among other means.

An analysis of reported gang crimes is critical in determining whether a gang problem exists, assessing its scope, forming law enforcement's response, and evaluating the effectiveness of that response. But what factors determine if crimes are gang crimes?

An analysis of reported gang crimes is critical in determining whether a gang problem exists, assessing its scope, forming law enforcement's response, and evaluating the effectiveness of that response.

Gang-Related Crime Versus Gang-Motivated Crime. Agencies may classify a crime as a gang crime if it is gang related, gang motivated, or both. A gang-related crime is any crime in which a gang member is the suspect, offender, or victim, regardless of motivation or circumstances. The theft of clothing on a whim by a gang member acting alone or a home invasion by gang members acting collectively would fall under the category of gang-related crime. But only the home invasion would qualify as a gang crime if the agency were counting only gang-motivated crimes—those committed at the direction of, for the benefit of, or in association with a street gang—as gang crimes. Gang-motivated crimes may involve intergang violence for retaliation or turf protection and other criminal activity affecting the reputation or interests of the gang as a whole.

The definition of gang-motivated crime yields significantly fewer gang crimes than does gang related. This is especially true if, under the definition of gang motivated, an agency decides that, to qualify, both suspect and victim must be gang members or the crime must be related to intergang encounters. It is recommended to classify a crime as a gang crime if it is gang related and also to indicate which gang-related crimes in the database are gang motivated. This method will (1) provide a broad picture of gang member criminal activity, (2) allow the agency to conform to whatever gang crime definitions are used in new or amended anti-gang legislation, and (3) enable the agency to more accurately compare gang crime across jurisdictions.

Gang Members Versus Gang "Wannabes." Answers to the question of who are actually gang members affect the types of information to include in the gang database. Generally, most gang members are males 24 years of age or younger, with the older adolescents and young adults engaging in the most serious and violent activity. However, veterans or original gangsters may be in their 50's. Across the Nation, the average age of violent offenders (whether or not they belong to gangs) is declining. Thus, gang databases must include data on both juvenile and adult offenders. To omit criminally involved juveniles is to fail to address a sizable part of the gang problem. Investigators and analysts also should be alert to gangs led by and largely composed of females, whose numbers are increasing.

Criteria that indicate a person is a gang member, that meet the needs of law enforcement, and that will survive court challenges need to be determined.

Gang member may be defined as any person who participates in or with a criminal street gang; has knowledge that gang members engage in or have engaged in criminal activity; and willfully promotes, furthers, or assists in any criminal conduct by members of that gang.

Criteria that indicate a person is a gang member, that meet the needs of law enforcement, and that will survive court challenges need to be determined. Certain criminal justice agencies considered that issue and developed a number of satisfactory criteria, which are incorporated into a form now used in 12 States (see Exhibit 2). The form permits some flexibility. For example, if the criterion "subject admits gang affiliation" is not met, that person often must fit at least two other criteria noted in the exhibit to warrant designation as a gang member. Before deciding that a given criterion is applicable to an individual, some agencies require the subject to have engaged in activity related to that criterion on more than one occasion. For example, one agency states that the subject must have associated with known gang members on at least three different occasions before the criterion "subject associates with gang members" is met.

Exhibit 2 Gang Member Identification Criteria

GANG INFORMATION CARD

★ ★ Shaded items are required to be completed prior to submission ★ ★

Alert Info: ☐ Armed & Dangerous ☐ Informant ☐ Probation/Parole ☐ Other ____

Last			First		Middle	
Alias/nickname						
Address			City		State	Phone
Race	Sex	Hgt	Wgt	Hair	Eyes	Light ☐ Dark ☐ Acne ☐
POB City	State	County	DOB	SSN		
Driver's lic. # & State	Other ID #					
Clothing (include type and color)				Jewelry (describe)		
Name of Employer				Occupation		
Bus. address			City		State	Phone

Ref. No. ____

Veh. 1	License #		St.	Year
Veh. yr.	Make	Model	Style	Color
VIN				
Owner's name				
Address				
Veh. 2	License #		St.	Year
Veh. yr.	Make	Model	Style	Color
VIN				
Owner's name				
Address				

Gang type: ☐ MC ☐ Street Gang ☐ Prison Gang ☐ Extremist ☐ Narcotics ☐ Other ____

Gang name	Position in gang	Gang location

A	Name: ____	DOB: ____	Relation: ____
S	Name: ____	DOB: ____	Relation: ____
S	Name: ____	DOB: ____	Relation: ____
O	Name: ____	DOB: ____	Relation: ____
C	Name: ____	DOB: ____	Relation: ____

Crime: ☐ Suspected of ☐ Associated with ☐ Involved in

Occurrence–Date: ____/____/____ Time: ____ Address: ____ City: ____ St: ____ County ____

Source: Tucson, Arizona, Police Department

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Exhibit 2 (continued) Gang Member Identification Criteria

The narrative shall include information on how gang membership was established (i.e., admission, tattoos, dress, etc.). The following things should be considered when gathering information, when applicable:

- Subject's demeanor.
- Subject's destination and length of stay.
- Purpose of visit.
- Names and addresses of relatives in area.
- Money (including money orders) in possession.
- Pager information.
- Prior charges and agency.
- Contraband, weapons, and paraphernalia.
- Names, addresses, and telephone numbers.
- Graffiti.
- Gang colors.
- Length of time as a gang member.
- Rival gangs in town.

Gang Membership Identification: _______ Self Proclamation _______ Paraphernalia and Photographs _______ Tattoos _______ Other (Explain below)

Narrative: ______________________________

SCARS MARKS TATTOOS

Type:
1 = Tattoo–Animal
2 = Tattoo–Person
3 = Tattoo–Word(s)
4 = Tattoo–Other
5 = Scars
6 = Hype tracks
7 = Abnormality

Location:
01 = Head
02 = Left arm
03 = Right arm
04 = Left hand
05 = Right hand
06 = Chest
07 = Back
08 = Abdomen
09 = Buttocks
10 = Unknown
11 = Genitals
12 = Left leg
13 = Right leg
14 = Left foot
15 = Right foot

TYP	LOC	DESCRIPTION

Today's date:	Agency ORI #:	Badge #:	Reviewed By:	DR Link up #

The gang database also should include information enabling agencies to categorize gang members according to the extent to which they are committed to a criminal lifestyle, gang values, and violence. This will aid the agency in determining priorities, identifying appropriate strategies and tactics, and allocating resources. Two common designations, hardcore members and associate members, are often defined as follows:

- ☐ **Hardcore gang members** are the most dangerous and violence prone. These are the gang leaders, enforcers, and shooters. Completely committed to gang life, hardcore members tend to be older (late teens and beyond) and have had numerous contacts with the criminal justice system. Frequently, not more than 10 percent of a gang's members are hardcore.
- ☐ **Associate gang members** are criminally active and claim allegiance to the gang but usually participate in fewer gang activities than do hardcore members. Generally in their teens, associates tend to exhibit violent or aggressive behavior and often commit crimes to elevate their status within the gang. Associates' commitment to gang life may not be as strong as that of the hardcore members; some even may be looking for a way out of the gang.

Too much or too little gang data may impede processing and analysis. Determining how much is enough can start by conferring with other jurisdictions facing gang problems.

Also of concern to law enforcement are gang wannabes, who should not be included in a gang intelligence database unless they are criminally involved. Typically in their early teens, these youth have not yet joined a gang but often express gang values and may affect the outward signs of gang involvement (for example, clothing and hand signs). Often on the fringes of criminal activity, wannabes sometimes act as runners or weapons holders, and some can become dangerous in their attempts to impress gang members. Wannabes usually do not fully understand gang life or its consequences but are at risk of becoming gang members. At-risk youth may be found in elementary schools, often experimenting with gang attire and symbols as early as the second grade.

Data Elements for Intelligence and Management

Too much or too little gang data may impede processing and analysis. Determining how much is enough can start by conferring with other jurisdictions facing gang problems. Ask what information is collected and why and how it is organized in their files. In jurisdictions facing significant gang problems, these files are often computerized. Also useful are hard-copy files containing field reports, photographs, gang member criteria forms, arrest and conviction data, probation and parole reports, and other information used to back up and substantiate automated files.

Strategic, Tactical, and Managerial Information Needs

One way to help identify what should go into the database is to determine the type of information or reports that the information system should generate for strategic, tactical, and managerial purposes. Major factors to consider include the following:

☐ Scope and patterns, as well as emerging trends, of gang activity in specific neighborhoods or jurisdictions over time. The inability of gang information systems to generate such big picture reports for administrators and policymakers is a frequently cited weakness, according to a 1992 national survey of law enforcement agencies.[9]

☐ Effectiveness of prior enforcement strategies and tactics.

☐ Member profile of each gang member, especially the hardcore.

☐ Types of gang crimes by gang and location. Some agencies list the number of gang crimes, such as homicide and assault, and break down the total for each type by motive or circumstance (for example, retaliation, street fight, recruitment, vice related, and turf violence). Stress maps (computer-generated pin maps) depict types and locations of gang crimes during specified periods.

☐ Gang members on bail, probation, and parole (including their release conditions) and gang members with outstanding warrants.

Legal Requirements

Other factors that may affect database content are local, State, and Federal laws and regulations that may apply to the collection of gang data (as well as to its storage, access, security, dissemination, audit, and purging). For example, criminal intelligence systems operating through support under the Omnibus Crime Control and Safe Streets Act of 1968, as amended, are subject to Federal requirements in 28 CFR 23. (Note that 28 CFR 23 does not preclude collection, storage, or dissemination of information about street gang members who are juveniles, nor does it require separation of juvenile offender files from adult files.)

Other factors that may affect database content are local, State, and Federal laws and regulations that may apply to the collection of gang data . . . .

The type of data that agencies may wish to enter into their gang databases is presented in Exhibit 3. The exhibit organizes the data under various categories or files; however, specific agency needs will determine whether more or fewer files are required.

Exhibit 3 Data Elements Commonly Included in Gang Information Systems

Gang File

- Gang name and moniker
- Ethnic composition
- Number, names, and monikers of members (and whether hardcore)
- Turf boundaries
- Hangouts and hideouts
- Associated hazards (for example, dogs, weapons, lookouts, booby traps, explosives, and toxic materials)
- Symbols
- Graffiti samples and photographs
- Color
- Alliances and affiliates
- Rivalries
- Assets and locations thereof
- Drug customers and suppliers
- Distinctive identifiers (for example, clothing, hairstyles, tattoos, and jewelry)
- Hand signs, rituals, and rules
- Communication methods

Gang Member File

- Person's name and moniker
- Gang name and subset
- Residence address and other locations frequented
- Phone and pager number
- Social Security Number
- Race and ethnicity
- Physical description with photograph
- Identifying marks (for example, tattoos and scars, with photographs)
- Place and date of birth
- Membership status (for example, hardcore, etc.)
- History of violent behavior
- School background
- Associates and their addresses and phone numbers
- Criminal history (for example, arrests, dispositions, jail or prison time served, associated ID numbers)
- Current criminal status (for example, bail, probation, parole, release conditions, and warrants outstanding)
- Fingerprints
- Field contact information
- Family data (involvement of family members in gang activity)
- Other comments

Moniker File

- Person's name
- Street name (moniker, which may be the same for several people)
- Date of birth
- Gang affiliation

Vehicle File

- Owner's name
- License plate number (State and year)
- Make of vehicle
- Model of vehicle
- Color
- Interior and exterior oddities

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Manual Versus Automated Systems

The number of files in the database also depends on whether the information system is manual or automated and, if automated, on system design, especially search capability. For instance, manual systems usually require a moniker file, in which subjects are organized by moniker, so that street names can be linked to true names more speedily than by searching through the gang member file for monikers.

Computerized systems may be designed to search for monikers and other identifying information. The ability to search quickly for subjects associated with specified characteristics is a strong argument for computerized systems (see Electronic Manpower). For example, if the word eagle was associated with a gang crime, a computerized search based on that word could identify gang members owning Eagle cars, living on Eagle Street, having eagle tattoos, or using Eagle as a moniker. Or eagle might be one of a number of characteristics associated with an unidentified suspect (for example, Hispanic, eagle tattoo, blue Chevy lowrider automobile, and associates with Rambo). A string search could identify a gang member or members possessing all those characteristics.

The ability to search quickly for subjects associated with specified characteristics is a strong argument for computerized systems.

The files noted in Exhibit 3 are likely to contain many gang member names that, because of possible foreign origin, may be difficult to spell and, therefore, difficult to search for in a database. For this reason, some system capabilities display all names that may sound like the name (perhaps spelled phonetically) for which a search is being conducted.

Exhibit 3 contains references to photographs of individuals, identifying marks, graffiti, and vehicles. Imaging capabilities of some computerized information systems allow photographs to be generated electronically, thereby hastening suspect identification (for example, via photo lineups).

Database Information Sources

Principal contributors to the gang database are patrol officers, gang specialists, confidential informants, other criminal justice agencies, community agencies and organizations, and outside databases. Each contributor's role is critical.

Patrol Officers

Beat officers are an essential source of gang information. For example, they can identify gang members in accordance with agency-specified criteria, provide current information on gang activities and those committing the most crimes, and spot indicators of impending trouble. Some patrol officers routinely carry cameras and photograph gang members. The quantity and quality of such information largely depends on the following factors:

☐ The department leadership's emphasis on gang suppression and intelligence gathering.

☐ Officer training in gang identification.

☐ Streamlined reporting processes and forms that reduce excessive paperwork burdens.

☐ Availability of photographic and video equipment.

☐ An officer's observational skills.

☐ An officer's rapport with beat residents, business owners, mail carriers, and others who know the neighborhood, as well as with current, former, and aspiring gang members.

Officer information may be recorded on field interview and observation cards that contain a special section for gang data, on special gang contact forms, or on standard agency incident and arrest report forms that are channeled to gang specialists for evaluation and possible entry into the gang database.

Through field contacts and observations, beat officers can supply confirmation of gang membership and the name of the gang and colors, as well as a subject's moniker, address, physical description, date of birth, school, employer, hangouts, dress, jewelry, tattoos or other identifying marks, associates, vehicles, and weapons.

Officers also should submit reports describing graffiti and its location, whether on walls, in notebooks, on clothing, and in photograph albums, among other places. Photographs of graffiti are valuable to keep on file. Graffiti is a form of gang communication and may indicate gang territory, turf in dispute, gang leaders and other members, monikers, challenges by rival gangs, individuals targeted for retaliation, and claimed responsibility for crimes committed by the gang. As one moves away from the geographic center of a gang's power or territory, the more the gang's graffiti may be replaced by that of a rival gang. Many agencies report that they regret not paying more attention to graffiti during the early stages of their gang problems.

Gang Specialists

Agency gang specialists can contribute to the database in many ways. One important way is to debrief arrested gang members. The gang unit of one agency might ask such arrestees to identify the five most dangerous gang members; eventually, a consensus among arrested gang members might become evident. Gang specialists also review reports of crimes often associated with gang involvement, such as homicides, assaults with guns or other weapons, and sexual assaults.

Surveillance of known gang drug-trafficking locations, hangouts, and residences may yield information about customers, vehicles, associates, MO's, and countersurveillance methods (such as lookouts). During surveillance, gang officers usually take both still photographs and videos. One gang unit set up an observation post above a city street and videotaped (with sound) gang members on the opposite sidewalk reenacting homicides, displaying weapons, getting payoffs for hits, receiving instructions for the day's activities, and accepting treats (for example, gold chains) from gang leaders. Another gang unit found aerial photographs of a gang's locale, such as a housing complex, extremely useful.

Gang officers, as well as personnel from other units, who enter gang member vehicles and homes to make arrests or execute searches or bench warrants, should be alert for items and information of value to the intelligence effort. For example, gang members often take photographs and videos of each other. These items and address books with telephone numbers of other gang members may be located at the subjects' homes. See Search Warrant Affidavit excerpts prepared by the Riverside, California, Police Department describing information and items often obtained from gang member homes, safe houses, and vehicles.

Confidential informants cultivated by gang specialists and other officers provide information about gangs.

Confidential Informants

Confidential informants cultivated by gang specialists and other officers also provide information about gangs. Their motives for cooperating include the following:

- ☐ A gang member hopes to weaken a rival gang by providing tips to law enforcement.
- ☐ A nongang drug trafficker informs to help eliminate competition from gangs.
- ☐ An arrested gang member hopes to gain a reduction in charges or sentence.
- ☐ A girlfriend of a gang member is mistreated or abused and retaliates by supplying information to officers.
- ☐ An imprisoned gang member serving a long sentence is disgruntled because of lack of continued support and communication from former associates. (See Suppressing the Black Park Gang in Chapter 5 for a description of how the Manhattan District Attorney's Homicide Investigation Unit (HIU) has worked with imprisoned gang members.)

Search Warrant Affidavit Excerpts

Your affiant has found that gang members generally do not possess firearms validly registered and held in their names . . . [but rather their weapons] are often stolen. Your affiant has also found that gang members will use a weapon in the commission of a crime and then take that weapon to a safe house or hide it in a specific location within their own residence or at a fellow gang member's or girlfriend's house. They then later retrieve the weapon and use it at a later date.

Your affiant knows that gang members frequently hide their weapons in vehicles to which they have access . . . . [They use] vehicles or vehicles belonging to their parents or friends to commit crimes. Your affiant personally knows that gang members will frequently hide weapons inside of cars located at or near locations where they live or [that they] have access to . . . .

Additionally, your affiant knows that gang members and their families frequently park their cars down the street from their residences to (1) avoid any rival gang members being able to identify the location of their homes by virtue of seeing their car parked at their residence and (2) minimize the chance of their car being shot at or vandalized by rival gang members in case of a driveby shooting of that person's residence. Your affiant therefore requests to search any vehicles . . . parked directly on the [gang members'] property or on the street in front of the property or adjacent to the property . . . .

Permission is requested [to search for weapons] and any miscellaneous gun pieces, ammunition, gun cleaning items or kits, holsters or ammunition belts, original box packaging, targets, expended pieces of lead, any photographs of firearms or any paperwork showing the purchase, storage, disposition or dominion and control over any guns, ammunition, or any of the above items.

Your affiant notes that whether or not the firearms sought are recovered, the above items would tend to show that a firearm existed and may have once been located in a place to which the suspect has access and that these items would tend to connect the suspect with the weapons sought. It is your affiant's experience that because of the value of firearms to the gang, the above items are not normally disposed of after the commission of a crime, and that they are therefore still likely to be found at any location or in vehicles to be searched, or on the person of any suspect to be searched pursuant to this warrant. Gang members rarely dispose of firearms entirely. Firearms are valuable to street gangs as they help them to retain control of a geographical area, defend themselves against rival gangs' attacks, and attack rival gangs. Gang members are more likely to keep the weapon themselves or pass the weapon among [gang members].

Gang members are known by your affiant to drape rags from their persons or vehicles to denote association with a street gang. Your affiant knows that gang members will often possess drawings or writings which contain their gang name or their moniker. Gang members will often possess these writings or drawings in notebooks or in photograph albums. Your affiant has seen gang members pose for gang pictures. Gang members will often flash their gang's hand sign in photographs and often can be seen wearing gang clothing and displaying drugs and weapons in photographs. Gang members also tend to keep these items in their residences and vehicles to which they have access. It is your affiant's experience that most gang members are known by street names or monikers and that their true identities are frequently not known to fellow gang members or rival gang members. Gang members frequently write their gang moniker in graffiti. Your affiant has seen this graffiti with the gang name and monikers of gang members on numerous items. This would include clothing such as hats, shirts, jackets, pants, and shoes; photographs; notebooks; papers; articles of furniture such as dressers, mirrors, tables, lamps, and refrigerators; various locations within and outside residences, such as closet doors, walls within residences, windows, . . . exterior walls of residences, mailboxes, and garage doors; computer programs and discs; and automobiles and trees.

* * * *

Gang members also tend to keep newspaper clippings that make reference to criminal activity. These members will sometimes place . . . newspaper clippings in scrapbooks. These articles describe crimes committed by or against their gang. Your affiant has seen newspaper clippings seized from gang members on numerous occasions. It is your affiant's experience that gang members will write graffiti on those clippings and will cross out the names of rival gang members . . . . Your affiant also knows that gang members tend to keep address books, lists of gang members and monikers or lists of current telephone numbers and addresses of fellow gang members as well as rival gang members.

Your affiant also knows that with the advent of modern technology and reasonably priced home computer equipment, it is possible that evidence of gang membership, affiliation, association, locations, plans, correspondence, and criminal intent may be located on the hard discs of computers as well as [on] floppy discs . . . .

Source: Riverside (California) Police Department

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Other Criminal Justice Agencies

Both ad hoc contacts and formal arrangements among agencies yield valuable information about criminal gang members and gang-related crime (see Electronic Manpower). Although the information network among gang investigators is often informal, about half of the country's largest departments are represented on multijurisdictional task forces formed specifically to combat gangs.

Electronic Manpower

The Oxnard, California, Police Department's Gang Offender Comprehensive Action Program (GOCAP) provides a central clearinghouse for information about gang members, including their criminal record and current probation status, to enable each officer in the patrol division to deal with gang-related crime. GOCAP's premise is to have a gang intelligence officer conduct crime analysis, collect and correlate gang information, and disseminate it to street officers, thereby creating a departmentwide gang unit. The Oxnard Police Department has 148 sworn officers. GOCAP is modeled after a U.S. Justice Department-sponsored program that the department was already using to track habitual offenders. This system helps law enforcement agencies identify the worst gang offenders, track them, and prosecute more successfully when they go to court.

Essential to this program is the custom-designed computer and software package that creates dossiers on the city's estimated 3,000 individual gang members, associates, and wannabes and 500 taggers. GOCAP includes a small computer with keyboard and monitor, a laser printer for reproducing photographs and dossiers, and a video system for entry of gang members' booking pictures and other photographs into the system. The video camera can also be taken into the field to film suspects or graffiti samples.

Information for the system is gathered through field interview cards filled out by patrol officers whenever they have contact with gang members. The gang analyst then inputs the data into the computer and classifies the individual's gang involvement into three levels, based on the number and type of contacts, associates, dress, and criminal record.

GOCAP information is used for intervention efforts. Beat officers seek out and contact the parents of youth who are identified as having gang involvement. For parents who deny their child's involvement, the dossiers offer convincing evidence. A similar approach helps other community organizations overcome denial or ignorance of the gang problem. Officers regularly use GOCAP information to present to Parent Teachers Associations (PTA's), Rotary and Kiwanis clubs, and hospitals, among other groups. GOCAP began in 1991 with $90,000 in Federal grants from the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, which wanted an agency to develop a computerized gang-tracking system for smaller police departments.

In some regions, gang investigators from criminal justice agencies form associations that alert members to important developments and publicize requests for information about recent gang crimes. For example, the minutes of one association meeting included items such as the following:

☐ Formation of new gang. Pee Wees. Some members 10 years old.

☐ Middle and high school gangs popping up.

☐ Graffiti found in restricted areas at airport.

☐ ABC gang is increasing its narcotics sales and may move east.

☐ Officer shooting. Posse attempting to take over north end of town. Gang member known only as Pirate shot at officer. Missed. Believed hit by officer.

❑ Gathering of information on skinheads. Form attached to minutes will be available at meetings. Please circulate in your agency and cooperate in gathering information.

Gang officer contacts with personnel from criminal justice agencies other than law enforcement—such as probation and parole, corrections, courts, and prosecutor offices—may also generate substantial information. One police agency reports that most gang data in its computerized information system originates from the local probation department.

Agencies also stress the value of information obtained from jail and corrections officials. For example, watchful jail personnel may be able to identify associates of a jailed gang member, intercept communications, and report graffiti.

One Illinois State corrections official estimates that about 46 percent of the inmates in the State's prisons are gang affiliated, including 90 percent of the inmates in maximum security facilities. Beginning at intake, an offender-tracking system records inmate gang affiliation, rank, and other information. Noting that gang members in prison often maintain their community contacts, this official recommends that investigators develop strong linkages with prison officials to obtain gang information.

Rather than affiliate with traditional prison gangs while incarcerated, some members of various sets of Crips and Bloods have consolidated into all-Crips and all-Bloods gangs, such as the Consolidated Crip Organization and the United Blood Nation. The latter is said to be a significant force within prisons as well as on the streets. Many investigators also note a link between some traditional prison gangs (for example, the Black Guerrilla Family) and street gang members on the outside regarding drug trafficking. Therefore, consulting with corrections officials for gang information should be a priority for law enforcement agencies.

Organizations outside the criminal justice system, such as grassroots community organizations located in gang crime areas, are a source of gang-related information.

Community Organizations and Agencies

Organizations outside the criminal justice system, such as grassroots community organizations located in gang crime areas, are a source of gang-related information. In neighborhoods that consist of numerous recent immigrants, however, misconceptions of the criminal justice system may have to be addressed before residents come forth with information. Residents may be distrustful of the police because they were oppressed by police in their native lands, do not understand American criminal justice processes, or have had poor relationships or few positive contacts with police in this country. For example, they may believe that the release from custody of a recently arrested gang member resulted from a bribe. In this case, the concept of bail would have to be explained.

Schools are another major source of information, once contacts are established through gang specialists or school resource officers. In some jurisdictions, school administrators, teachers, security staff, and parent-teacher organizations alert law enforcement by using gang information forms or special phone numbers to report graffiti as well as gang-related violence and threats. Because gang members frequently boast about their exploits, gang activity may come to the attention of school personnel and students.

Similarly, parks and recreation employees are aware of gang activities in their areas and frequently can identify the more active gang members. Often, children who use a recreation center will inform park employees about gang-related matters before they will tell law enforcement officers.

Citizen reports and complaints constitute a valuable source of gang-related information. Although it may take time to overcome fear of retaliation by gang members or distrust of the police, citizen reports can be encouraged by establishing and publicizing a gang hotline, which should guarantee anonymity if callers so desire. Gang specialists can assign code names to anonymous callers so that, during subsequent calls, callers may receive feedback on how their previous information has been used; this may motivate callers to continue their assistance. Code names also permit gang officers to track the reliability and value of a given caller's reports.

Because gang or gang member information is often collected by more than one jurisdiction, agencies should consider expanding their focus by tapping into regional, statewide, or even national gang databases.

Outside Databases

Because gang or gang member information is often collected by more than one jurisdiction, agencies should consider expanding their focus by tapping into regional, statewide, or even national gang databases. For example, many local agencies link with information systems operated by State police, who can access other regional or statewide databases.

Agencies that are members of local or regional task forces benefit from the expanded opportunity to share data. One jurisdiction, for instance, merged all city and county narcotics units with personnel from the Drug Enforcement Administration (DEA) and U.S. Customs Service and provided all task force members access to a gang database. Gang investigators can enter subject names and addresses into the task force's information network to determine whether another agency is conducting an investigation of a particular target.

Regional Information Sharing Systems. Six regional project databases of the Regional Information Sharing Systems (RISS) program contain gang information available to RISS members. Participating agencies submit inquiries and receive responses through callbacks. Due to complexities of various State laws, not all RISS projects collect data on juveniles. Focusing on multijurisdictional crime, RISS projects hold periodic information-sharing meetings and disseminate information to member agencies through bulletins, flyers, or other publications. The projects—based in Needham, Massachusetts; Newtown, Pennsylvania; Phoenix, Arizona; Sacramento, California; Springfield, Missouri; and Trenton, New Jersey—also conduct investigative, financial, criminal activity, and telephone toll analyses for member agencies. RISS is funded by the U.S. Department of Justice, Bureau of Justice Assistance (BJA).

The Bureau of Alcohol, Tobacco and Firearms. The Bureau of Alcohol, Tobacco and Firearms (ATF) also maintains databases, some of which include information on gangs (for example, motorcycle gangs, Bloods, Crips, Jamaican posses, and prison gangs). ATF's gang data are available to law enforcement agencies, which are encouraged to reciprocate by providing gang information to ATF. Agencies seeking this information should initially contact the nearest ATF district office. If that office does not have access to the requested data, agencies may contact ATF's Tactical Intelligence Branch in Washington, D.C. ATF either disseminates gang information directly to inquiring agencies or provides referrals.

Gang Reporting, Evaluation, and Tracking. Nationwide implementation of a gang-tracking system is an initial goal of the Law Enforcement Communication Network (LECN), a nonprofit organization run by and exclusively for the criminal justice community (for example, law enforcement, prosecution, probation, parole, and corrections). Available from LECN is the PC-based GREAT System (see The GREAT System), used by several hundred agencies in 21 States from Hawaii to Massachusetts. GREAT contains more than 150 fields of gang-related information (for example, monikers, aliases, locations, and tattoos) and includes a color photo system and an imaging capability for fingerprints, graffiti, and reports. GREAT requires LECN-specified hardware and software upgrades for agencies' existing PC-based systems. The GREAT System can operate as a totally independent, stand-alone gang-tracking workstation or as part of a regional network. Through its PC, an agency may query other GREAT participants in the region by dialing the region's node, which will automatically download to the agency's PC all requested records and photographs held by other members of the regional network. When fully developed nationally, GREAT will enable an agency to contact and receive data from participants in other regions by dialing its regional node. (Currently, agencies must dial other regions one at a time.) GREAT is said to provide access to data on more than 200,000 gang members, including their vehicles and associates. GREAT also includes a case management module, which generates incident-based management information and statistics.[10]

When developing automated information systems, agencies might consider outside databases . . . and determine the implications for compatible hardware and software.

Regional Databases. Another option for some agencies is to convince adjoining jurisdictions to form a centralized gang database that all share and to which all contribute. Case Study: Developing a Regional Gang Intelligence System outlines the process used by the Atlanta, Georgia, Police Department in establishing such a database.

When developing automated information systems, agencies might consider into which outside databases it would be useful to link and determine the implications for compatible hardware and software.

Case Study: Developing a Regional Gang Intelligence System

By the late 1980's, Atlanta, Georgia, faced an emerging gang problem. To benefit from better drug-trafficking profit margins, outside gangs moved into metropolitan Atlanta and clashed with indigenous gangs, causing violence and bloodshed.

Two initial problems prevented effective gang suppression by law enforcement: denial in some quarters that a gang problem existed and, for gang activity that crossed jurisdictional boundaries, inadequate sharing of gang intelligence among agencies in the metropolitan area, which has a population of more than 2 million.

To help convince persons both within and outside law enforcement that a gang problem existed, the Atlanta Police Department persuaded several gang members to meet for a videotaping session. The conversation, hand signs, and other characteristics recorded by videotape helped convince skeptics. Thereafter, submissions of field interview cards relating to gang members increased from 2 to 200 per month.

Because the gangs moved across jurisdictions, often residing in a suburban community but conducting business in Atlanta, and because gang activity in Atlanta spread into outlying areas, the Atlanta Police Department proposed that all affected agencies establish a shared Gang Intelligence System (GANGIS), from which all participants would receive information and to which all would contribute data. More than 30 metropolitan area agencies now participate in GANGIS, which was developed with financial assistance from BJA's Urban Street Gang Program. The system provides automated information support (text and image data) to law enforcement as well as to prosecution, correctional, and parole agencies. GANGIS is housed within the Special Investigations Section of the Atlanta Police Department, which provides direct operational, technical, and administrative support. The objectives of this computerized intelligence network include the following:

- Transcending jurisdictional and political boundaries and increasing gang suppression effectiveness by targeting important gang members, gang associates, and gang criminal activities; tracking gang assets; and identifying emerging gangs. Of particular concern are gang leaders, violence-prone members, and mid- to upper-level drug traffickers.
- Enabling contiguous local, State, and Federal law enforcement agencies to share information more effectively, thereby leading to better decisionmaking and strategy development.
- Providing commanders, as well as patrol and investigative supervisors, with a better understanding of gang-related problems in their areas of responsibility by permitting them to access the GANGIS database from remote locations throughout the metropolitan area.
- Supporting selective prosecution of gang leadership and membership and depriving gang members of anonymity, even when they change jurisdictions.
- Discovering connections between incarcerated offenders and outside gang activities and providing background information on gang members entering correctional facilities so that officials may segregate members as appropriate.
- Providing information on parolees' involvement in gang activities and their associations with gang members.

As part of the system's development, a lengthy requirements analysis was performed, which covered the objectives; data entry, update, and purging; data elements; search capability; reports; software and hardware; security; backup and recovery; training; and definitions of key terms. The search capability of GANGIS allows it to respond to queries ranging from simple to complex. For instance:

- Who is the leader of the Rolling 60's Crips? What is the address of John Doe? Who are the members of the I-Refuse Posse?
- Which gang members have been arrested on beat 101 for trafficking crack cocaine? Which gang members have been arrested for more than three aggravated assaults? Which gangs are identified by the five-point star symbol?
- Which gang members rented a vehicle between February 1 and February 10, 1992, and purchased less than one-quarter kilogram of cocaine from an undercover agent in an auto detail shop in southwest Atlanta?

The GANGIS bylaws and constitution govern the system's participants and describe the membership application process; advisory board; and the system's location, maintenance, operations, security, and dissemination procedures.

GANGIS is the cornerstone of a coordinated, multijurisdictional undertaking designed to identify and monitor gang members, track gang-related activity, generate analyses on emerging gang-related trends and patterns, target gang leadership for selective enforcement, and help agencies evaluate their performance.

Source: Atlanta, Georgia, Police Department

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Disseminating Gang Information

The basic principle governing dissemination of gang data is the need-to-know, right-to-know principle. Its application depends on who receives the information: gang specialists in the agency; other agency personnel, such as investigators and patrol officers; outside criminal justice agencies: or others.

Within the Agency

Gang specialists, whether or not they are part of a gang unit, have routine access to the gang database. In addition, to keep gang officers current, some agencies maintain logs in which gang incidents are recorded daily. Informal information sharing among gang specialists is another effective way to keep current. Special bulletins or newsletters published by some agencies alert gang officers and others about developments, cautions, information needs, and priority targets. One newsletter included items such as the following:

Special bulletins or newsletters published by some agencies alert gang officers and others about developments, cautions, information needs, and priority targets.

- Gang members are hiding weapons and contraband inside vehicle airbag compartments and behind pullout radio slots.
- An officer identified a gang member by querying the GREAT System about the neck tattoo ABC.
- These are the 20 most-wanted gang members.
- The gang unit received information that subjects living at 123 Elm Street are gang members. If contacts are made with subjects at or near that address, please forward all field interview cards to the gang unit.

Whether other investigators and patrol officers should have routine access to the gang database is a question each agency must address. Some agencies permit all officers to gain direct access to gang data through remote computer terminals. Others limit initial access to queries about whether a gang member is in the database; if so, the requested information about the subject is released in accordance with specific procedures, which may require release only after approval by a gang officer. Another option is to routinely disseminate certain information to specified officers, such as by notifying beat officers about gang members who are on bail, probation, or parole or for whom bench warrants have been issued. One agency disseminates weekly bulletins on gang activity to officers throughout the agency and to city officials. These bulletins include:

- A synopsis of each incident by area, other activity in the area, related offense reports, victim and suspect information, and persons arrested.
- A listing of driveby shootings and charges filed.
- Gang offense reports filed for the week.
- Arrestees by gang, offense, and juvenile or adult status.

To Other Criminal Justice Agencies

Guidelines are required for disseminating gang data to outside criminal justice entities, including prosecution and corrections departments, as well as other law enforcement agencies. One police department's policy requires:

☐ Assurance that the information request is for a legitimate law enforcement purpose.

☐ Confirmation of the identity and authority of the requester if the request is made orally.

☐ Routing of written reports to the requester through the head of the requester's agency.

☐ Inclusion on each report of the following release statement:

> This document contains neither recommendations nor conclusions of the [XYZ] Agency. The document is the property of [XYZ] Agency and is loaned to your agency. Neither the document nor its contents are to be distributed outside your agency.
>
> CONFIDENTIAL
>
> Issue To:
>
> Date:

Another agency attaches the following statement to documents based on media sources:

> The information in this publication has been obtained from mass media sources. Any conclusions and inferences drawn by the author do not reflect the official position of the [XYZ] Agency.

Formal or informal dissemination of gang intelligence to noncriminal-justice agencies should be prohibited, unless expressly authorized by the head of the disseminating agency. When speaking to the media about a gang-related incident, many agencies do not attribute it to a particular gang. These agencies believe that to do so would tend to bestow unwarranted status on gangs, legitimize them, and give them the publicity that they often seek.

Gang Suppression Operations and Tactics

Effective gang suppression is essential to establish an environment that remains free of criminal gang activity. BJA's Urban Street Gang Program focuses primarily on strategies leading to incarceration of hardcore and associate gang members who commit felonies and virtually control neighborhoods. These enforcement actions pave the way for longer term community and agency interventions.

The tactics outlined in this chapter are intended as a basic presentation of options. Their use may or may not be appropriate, depending on local circumstances—including gang characteristics and methods of operation (MO's) and the characteristics and criminal histories of targeted gang members.

. . . unless hardcore gang members face the consequences of their actions, the community will not become or stay involved in combating the problem.

Only by conceptualizing gang suppression in that broader context will law enforcement make a significant difference. Although this monograph focuses mostly on suppression, many law enforcement agencies consulted during its development are concerned with a broad-based approach, as expressed below by the Tucson, Arizona, Police Department:

> The roots of the gang drug lifestyle are embedded in the social fabric of the community. This makes a broad-based, multifaceted effort critical. [Short-term] goals . . . target hardcore gang members, the individuals firmly committed to a variety of criminal enterprises including drug dealing and violence . . . . [Long-term goals] attempt to "target harden" the community and its children in order to prevent the gang drug lifestyle from easily taking root or growing in neighborhoods and schools.
>
> From experience, the local criminal justice system has learned that unless it is effective in ensuring that hardcore gang members face the consequences of their actions, the community will not become or stay involved in combating the problem. The simple fact is that providing tutoring, recreation programs, or even jobs will not work if intimidation by drug-dealing gang members forces people into unacceptable choices. On the other hand, even the most effective criminal justice system cannot make up for the lack of opportunity for a decent life. The overall plan strives to integrate these activities to achieve the balance necessary to effect substantive changes.[11]

Developing Strategies Based on Gang Intelligence

Developing enforcement strategies requires consideration of the unique nature of each targeted gang. This section examines how agencies use reliable gang intelligence to characterize gangs and then select appropriate suppression tactics. Gang characteristics are described for several groups encountered by the demonstration sites.

Street Gang Classifications and Characteristics

Because gangs frequently organize along ethnic lines (that is, by racial, national, linguistic, and cultural background), most agencies classify gangs initially by ethnicity. Next, they select and refine tactics by examining gang characteristics such as geographic range, history of violence, crimes committed, organizational structure, rituals, members' citizenship status, and whether the gang is turf oriented or entrepreneurial and indigenous or new to the jurisdiction. Violent groups that fit the legal definition of a criminal gang but are not generally considered street gangs include groups that commit rape, child abuse, murder, desecration of churches and graveyards, and other crimes in connection with satanism or the occult.

Agencies that classify gangs by members' ethnicity commonly use broad classifications such as African American, Asian, Chinese, Hispanic, Jamaican, and Caucasian, although some classifications relate to a common interest (for example, motorcycle gangs and white supremacist gangs). These groupings will vary depending on the gangs that predominate in the jurisdiction. Many subcategories may exist within these classifications, and the subcategories may contain hundreds of specific gangs. For example, the Crips and the Bloods, whose members are primarily African American, have formed hundreds of factions or sets in the Los Angeles area, where they originated, and in other cities. Asian gangs may include Vietnamese gangs with factions such as the Natoma Boyz, Nip Family, and Oriental Boyz. White supremacist gangs may include skinheads, Posse Comitatus, and others.

Many subcategories may exist within classifications, and the subcategories may contain hundreds of specific gangs.

Some of the more violent gangs encountered by the BJA Urban Street Gang Program demonstration sites and other jurisdictions are highlighted below. The discussion is not exhaustive, and there are many exceptions to the generalizations made herein. However, the discussion uses experienced gang investigators as its main source and illustrates the diversity among criminal gangs in this country.

Asian Street Gangs. Although the cultural differences among gangs with ethnic ties to China, Korea, Laos, Vietnam, and other Asian countries are important and should be examined in depth, some common trends can be noted. For example, Asian street gang members tend not to dress in a distinctive manner, display colors, bear tattoos (with the exception of the Japanese Yakuza), or adopt other visible indicia of gang membership, and they are not inclined to claim gang affiliation when questioned by law enforcement. Law enforcement agencies consider Asian gangs particularly difficult to investigate for other reasons that include language barriers, a lack of Asian investigators, a limited understanding of Asian cultures and

Asian gang formation, a poor or distant relationship with Asian communities in general, and the mobility of Asian gang members across State and national lines.

At the most basic level of investigation, the many languages and dialects spoken by Asian gang members represent a formidable obstacle, making electronic surveillance more time consuming and costly. Infiltration by undercover officers is virtually impossible unless the officers thoroughly understand the nuances of the language, dialect, and culture. Even when this obstacle is removed, initiation rituals that require commission of a crime are likely to block undercover infiltration.

As a rule, Asian gangs are more profit motivated than turf oriented. Violence to protect territory per se is not common. When violence does erupt, it is more likely for defense of profitable criminal activity in a locality, not an expression of a proprietary claim to a neighborhood. Asian gangs can be highly mobile, especially Vietnamese and other Indochinese gangs. Often described as criminally sophisticated and violent, Indochinese gangs tend to be familiar with States' extradition laws and sometimes use this knowledge to select areas for criminal activity. Such mobility and criminal expertise support the development of tactics based on interregional cooperation and coordination among agencies.

The types of crimes associated with Asian gangs have obvious implications for suppression tactics. These crimes include hit-and-run home invasions, drug trafficking (often involving large quantities), extortion of merchants and other business owners, auto theft, and insurance fraud. Victims are likely to be members of the Asian community who often do not report crimes because of intimidation, a culturally based distrust of law enforcement, or an acceptance of some forms of victimization (for example, Chinese business owners who regard extortion as a customary way of doing business).

Hispanic Gangs. This broad category generally refers to gangs with cultural ties to Cuba, the Dominican Republic, Mexico, Central American countries, and Puerto Rico. Hispanic gang members often dress distinctively, use monikers, display colors, communicate through graffiti, and bear tattoos (frequently denoting monikers or gang affiliations). Often intergenerational, the gangs usually have a long tradition that inspires extreme loyalty by members, including a strict code of silence. This unwritten code emphasizes that members never cooperate with law enforcement or other authorities and never inform. For this reason, many agencies regard Hispanic gangs as more difficult to investigate than relatively newer gangs. As with many other gangs, membership may require commission of a crime.

Hispanic gangs, whose names frequently refer to their territories (such as streets), tend to be highly turf oriented, a characteristic that often triggers violence when the neighborhood or barrio is perceived as threatened by rival gangs or government agencies. Violence toward rivals is often regarded as legitimate behavior, with no insult too small to go unanswered. Crimes committed by Hispanic gangs include homicide, assault, drug trafficking, robbery, and auto theft. Particularly in the Western States, agencies observe that Hispanic gang leadership is quite fluid and may be assumed by any member who has the skills required at any given moment.

Crips and Bloods. The Crips originated in Los Angeles in the mid- to late 1960's, and the Bloods were formed in reaction to the Crips.[12] Both gangs have loosely structured subgroups or sets, most of which are from specific neighborhoods. Typically, members dress in a distinctive fashion, display colors (with blue associated with Crips and red with Bloods), use monikers, sometimes display gang names or monikers on clothing, and communicate through graffiti. However, when individual members or sets become more serious about drug trafficking, they also may become more cautious about calling attention to themselves with these outward signs of gang affiliation.

In the early 1980's, members of both gangs surfaced outside Los Angeles and the rest of California, primarily to sell cocaine. Investigative reports in 1991 placed Crips or Bloods in 32 States and 113 cities.[13] However, these migrations are not orchestrated by any sort of national leadership. Instead, criminal acts often are committed or directed by individual leaders (who change frequently), rather than as the result of some hierarchical or collective decisionmaking process.[14] The Los Angeles District Attorney (DA) provides this description:

> The Crips is a loose association of some 200 gangs, many of which are at war with one another, and none of whom recognizes or exerts any kind of central authority. Individual gangs are equally marginal in their organization. Most are loosely knit coalitions of small, autonomous cliques.

The DA also states that no evidence shows that youngsters are routine participants in gang violence. The average age of shooters in their gang-related homicides is around age 20.

Jamaican Posses. Jamaican street gangs (posses) formed during the 1970's around Kingston, Jamaica. Although members of a given posse tend to originate from the same neighborhood in Jamaica, notable exceptions include the Rat Posse, all of whose members have killed Jamaican police officers; the Hotsteppers, composed only of Jamaican prison escapees who have been convicted of a capital offense;[15] and the Shower Posse, so named from its practice of showering victims with bullets.[16] Between 1985 and 1992, more than 4,000 U.S. homicides were attributed to Jamaican gangs.[17]

Similar to the Crips and the Bloods, Jamaican posses are not hierarchical organizations. Leadership appears to be based on criteria such as "status and reputation in Jamaica and access to money, weapons, and drugs."[18] Nevertheless, many posses have successfully imported, distributed, and directed street sales of vast quantities of drugs, with a focus on crack cocaine having occurred by the mid-1980's. Although drug trafficking is the major source of income, some posses are organized for other purposes, including firearms trafficking, robbery, shoplifting, and murder for hire.

Most U.S. posse members are illegal aliens. They change their names frequently (although they retain their street names) and have easy access in Jamaica to illegal immigration documents and other forms of identification. Within this country, they are highly mobile and are found in rural as well as urban areas. From points of entry in Florida and New York City and, more recently, Houston and New Orleans, Jamaican posses have spread throughout the United States. An estimated 40 posses, with a total membership of 22,000, now operate in 35 States.

Chicago Gangs. Among the most notorious of Chicago's street gangs are the BGD's (The Black Gangster Disciples), El Rukns, Latin Kings, and Vicelords. The Chicago Police Department's gang crimes unit considers these gangs inseparable from drugs and estimates that 75 percent of gang crime arrests are drug related.[19] Their crimes are generally characterized as well organized but with gang splinter factions that often undermine their enterprises. Low-level members acquire criminal histories and have few assets, while higher ups often invest in real estate acquired in the names of family members. In recent years, loose alliances among gangs have formed. The BGD's, Latin Kings, and Vicelords have been encountered in other States, primarily in the Midwest. However, they do not appear to engage in much interstate communication.[20] For example, members of the BGD's and Vicelords who were based in Detroit went to Ft. Wayne, Indiana, in the mid-1980's and were able to organize local gangs for drug trafficking and other criminal activity.

The Chicago Police Department's gang crimes unit . . . estimates that 75 percent of gang crime arrests are drug related.

The El Rukns have a 25-year criminal history under the leadership of Jeff Fort, who began serving a 75-year sentence in 1987 for conspiring to commit terrorist acts for the Libyan government. The gang began as the Blackstone Rangers in the 1960's and later became known as the Black P Stone Nation, a large amalgamation of gangs. In the mid-1970's, Fort formed the El Rukns, and by the 1980's the gang had more in common with organized crime than with most other street gangs. With drug profits as their primary income, gang members bought buildings and businesses, bribed public officials, and sought out national and international criminal connections.

The El Rukns were dealt a severe blow when, as a result of 7 separate Federal trials in 1991, 62 members were convicted of racketeering, drug trafficking, and other charges, with 12 defendants receiving life sentences.

Other Street Gangs. Virtually all large jurisdictions, and many small ones, contend with indigenous criminal gangs. Some are relatively well organized and have factions outside their home jurisdictions (for example, the Miami Boyz in Florida and several southern States). Others have small territories and are loosely organized. Some develop their own indicia (for example, clothing style and hand signs), while others copy those of nationally known gangs. Some engage in violent confrontations with other gangs over turf or drug-trafficking rights, while others are organized by members of BGD's, Crips or Bloods sets, Vicelords, or others.

Most local gangs tend to organize along racial or ethnic lines (although some are multiracial), with many homegrown gangs composed of either African-American or Hispanic members.

Other Criminal Gangs. Today, law enforcement is increasingly concerned about the criminal activities of several types of gangs whose members are primarily Caucasian, some of whom are distinguished by their affinity for a particular type of music (for example, punk and heavy metal). Others (for example, skinheads and various neo-Nazi groups) advocate white supremacy and perpetrate hate crimes. Agencies have associated both groups with drugs, assault, burglary, vandalism, shoplifting, petty theft, and other crimes.

Although outlaw motorcycle gangs were not targeted by the Urban Street Gang Program demonstration projects, many biker gangs are well organized and involved extensively in drug and weapons trafficking, murder, rape, and other violent crimes. The major biker gangs operate nationally or regionally in urban, suburban, and rural communities. Also, more members in recent years have purchased legitimate businesses as fronts for their illegal operations.

Implications of Gang Characteristics for Law Enforcement Strategies

Factors that influence the development of law enforcement strategies include language and cultural barriers, gang control of geographic areas, insulation of adult leaders, knowledge of police operations and policies, hidden wealth of some gang leaders and hardcore members, status as illegal residents, and aggressive attempts by gang members to organize local gangs.

Language and Cultural Barriers. Investigating gangs whose members are recent immigrants or first-generation Americans and who therefore have strong ties to foreign cultures often presents difficulties that surpass those encountered with second-generation American gangs. The reasons include language barriers, insufficient understanding of cultures and gang formation, the law enforcement agency's historical relationship with the community in general, and the mobility of crime group members across State and national borders.

The following example considers the problems associated with investigating Asian gangs. At the most basic level of investigation, local police are often poorly equipped to deal with Asian victims (and others), witnesses, and perpetrators who speak little or no English. Asian witnesses and victims may be reluctant to report crimes to the police or to cooperate in investigations for reasons such as fear of retaliation. They may have a poor understanding of the American criminal justice system (believing, for example, that a person released on bail must have paid off the authorities). They may also simply distrust police because of poor relations with them here or abroad. Some criminal practices may also be considered normal, such as Asian merchants accepting extortion as a customary way of doing business.

The local police department may have few resources to break down such barriers. It may have no Asian officers, or its Asian officers may not speak the language or dialect of the perpetrators. These officers may lack general investigative experience, or they may choose other specializations. Also, the department may be concerned about creating, or appearing to create, special units along racial lines. At the same time, undercover investigations of organized Asian crime groups are virtually impossible unless investigators become conversant with the nuances of various Asian languages, dialects, and cultures.

Asian crime organizations are engaged in a broad spectrum of crime, including heroin trafficking, extortion, gambling, prostitution, money laundering, home-invasion robbery, assault, and homicide, and the lines between Federal and local areas of responsibility are not always clear. For example, extortion and prostitution clearly affect local communities, yet they may have Federal implications. The proceeds may help finance international drug trafficking or help emerging gangs involved in these crimes to evolve into more complex and far-reaching organizations. Similarly, at the local level, the lines are often blurred among organized crime, gangs and gang crimes that do not fit the definition of organized criminal enterprises, and street-level crime. These definitional problems affect the way in which departments allocate their personnel and resources to combat Asian crime.

One recent study found that there were probably as many different local police responses to Asian organized crime as there were cities with Asian crime problems.[21] The following police responses were identified in this study:

- ☐ Develop traditional investigative units dedicated to Asian crime.
- ☐ Develop specialized Asian organized-crime databases and intelligence files.
- ☐ Assign Asian crime specialists to various types of investigative units, such as organized crime, intelligence, and gang units.
- ☐ Immediately connect Asian victims through the police switchboard to a 24-hour translation service provided by a local language institute.

- Use one officer with language or cultural knowledge to staff an official or unofficial desk for Asian racketeering.
- Create community relations-type patrol squads comprised of officers with language or cultural knowledge.
- Create specialized backup squads that respond to calls for assistance from patrol officers.
- Set up Asian crime desks in precincts that are populated by Asian residents.
- Coordinate the work of Asian crime investigators with vertical prosecution units in the DA's office.
- Participate in various types of multiagency Asian crime task forces for intelligence sharing and joint investigations.
- Regularly assign local police specialists to specific Federal agency operations.
- Serve as a host agency for Federal agency investigators to work on a specific case, organization, or group of suspects.

The diverse nature of Asian organized crime groups, the varying levels of experience local departments have with these groups, the variations in local resources, and a lack of evaluations in this area preclude developing a generic model for combating Asian organized crime at the local level. However, some recommendations can be made:

- Base the department's response on a thorough assessment of available intelligence and information and on cooperation with Asian residents. The organizational models used for traditional organized-crime investigations may not apply.

Interpreters should be fluent, as well as sensitive to cultural factors and nuances of the language.

- Ensure the availability of translators to aid in taking reports from and interviewing Asian victims, witnesses, and perpetrators. Interpreters should be fluent, as well as sensitive to cultural factors and nuances of the language.
- Actively recruit and train Asian officers and investigators. Some obstacles associated with this recommendation were noted earlier; however, the benefits in terms of both investigations and community outreach are important. Because some agencies report a reluctance among qualified Asian-American men and women to go into police work, personal contacts and other active recruitment efforts may be needed at colleges and within Asian communities.
- Conduct a targeted community education and outreach effort, which is essential if local police are to make progress in getting Asian victims and witnesses to be more forthcoming. A number of techniques should be considered, including the following:

- Develop foreign language videotapes that give a general orientation to the American criminal justice system, various police functions, when and how to contact the police and what to expect, and community concerns with gangs and organized crime.
- Establish foreign-language crime and information reporting hotlines that ensure caller anonymity.
- Consider ways in which various community policing approaches may be adapted to meet the unique needs of Asian communities. For example, establish Asian crime desks at local precincts, or establish storefront offices or foot-patrol beats using officers selected for their ability to communicate with members of the Asian community.

In addition to language and cultural barriers, gang MO's often limit the range of suppression tactics available to enforcement agencies. Some examples are described in the following subsections.

Some violent gangs take advantage of the geography, street configurations, and traffic patterns of certain neighborhoods . . . .

Control of Geographic Areas. Some violent gangs take advantage of the geography, street configurations, and traffic patterns of certain neighborhoods or of the physical layout or isolation of certain housing complexes, hampering law enforcement's ability to conduct surveillance or use traditional buy/bust tactics. For example, one Tucson neighborhood's grid of exterior streets and curved interior streets rendered the area ideal for retail drug trade. Crack houses were situated so that surveillance was impossible, and a mid-level drug dealer there dealt only with acquaintances. This combination precluded the police department's use of most of its traditional enforcement and investigative methods.

The department, in cooperation with the neighborhood, declared the area a high-profile enforcement drug-trafficking area subject to special enforcement efforts, including around-the-clock police presence and signs indicating that surveillance was occurring and license plates were being recorded. This strategy deflated the drug operations economically. When the dealer moved to other locations, the police followed, ensuring a high discomfort level through similar tactics. In addition, the agency pursued possible code violations in buildings where the trafficking occurred and prodded landlords to evict tenants known to be involved in criminal activities.

The Tucson Police Department reported that residents began to organize in the community and eventually felt safe walking and congregating freely in the neighborhood. However, the police also acknowledge that the neighborhood's ultimate fate resides in the ability of its residents to remain organized and promote an intolerant attitude toward criminal gangs and drugs.

When traditional enforcement tactics seem blocked, individual officers have devised innovative tactics. For example, the following techniques were used:

- To avoid recognition by a gang member selling drugs, an undercover officer cruising a neighborhood on his unmarked motorcycle made a buy with his helmet visor down.
- To videotape street-corner drug buys at night, an undercover officer drove a heavy-duty utility truck with infrared cameras installed in the outside air vents. A baby's restraining seat strapped to the passenger-side seat prevented sellers from getting out of camera range by entering the vehicle.

Gangs in public housing developments also pose significant problems and often require special approaches . . . .

Gangs in public housing developments also pose significant problems and often require special approaches to investigate and suppress their activities. Drug abuse in public housing areas has been a critical problem for years, and gangs have virtually taken over some public housing developments.[22]

In Chicago, the Chicago Housing Authority (CHA) implemented a program, Operation Clean Sweep (OCS), in cooperation with the Chicago Police Department, that systematically gained temporary control of numerous public buildings. OCS involved ousting trespassers, inspecting all units, securing lobbies, installing security guards, and giving residents photo identification cards. It also included identifying resident needs, repairing and maintaining units, and involving residents in establishing security.

OCS was a multiphase program. Phase I involved securing the facility and restoring common areas. Its 12 steps included selecting sites, meeting with involved parties, securing the development's perimeter, opening an onsite operations center, inspecting units, making building repairs, instituting visitor policies, identifying immediate social service needs, and notifying the press and local officials.

Phase II involved improving property management. Administrative improvements were designed to remove tenants who broke the law or CHA regulations. To ensure that new residents would act responsibly, CHA improved its income review procedures, resident screening, leasing requirements, tenant recertification, and rent collection.

Phase III involved social services assessments and resident participation in improvement initiatives. In the months immediately following a sweep, resident service teams made door-to-door assessments of resident needs, identifying and helping school dropouts, unemployed persons, and persons with substance abuse problems.

The benefits of the OCS approach are under study by the U.S. Department of Housing and Urban Development (HUD).

Insulation of Adult Leaders. Gang leaders often are difficult to arrest on a major charge. Hardcore gang members are known for their use of juvenile employees to insulate themselves from law enforcement. Leading gang members use juveniles to conduct street-level drug trafficking and other frontline work, carry their weapons, and act as bodyguards. Hardcore gang leaders are often extremely intimidating to associates and witnesses and may hire others to commit violent acts.

Unless such a gang leader, through error or negligence, provides the basis for a serious charge, an agency's options may be limited. One approach is to arrest the person for commission of a misdemeanor offense, such as disorderly conduct, reckless driving, or trespassing. The objective would be to document enough of a criminal history to eventually merit a prison sentence.

Suppressing the Black Park Gang

Although the gang itself used no particular name, neighborhood residents dubbed it the Black Park Gang because it shot out lights surrounding a park to inhibit detection by police. Essentially, the gang had commandeered the park as a base of operations.

This New York City gang was comprised of Puerto Ricans who grew up in a public housing development near the park. Active membership numbered between 50 and 75. Law enforcement targeted the gang because it was particularly vengeful, vicious, and murderous and because it distributed multiple kilos of heroin and crack throughout the city. The gang's activities also occurred in one other State and in Puerto Rico. Investigators believed that Black Park members committed at least 15 murders and that the gang had targeted 14 other persons for the same fate. Among the numerous murders committed by one 19-year-old Black Park member was that of a woman in Puerto Rico, shot 40 times with a semiautomatic weapon.

With drug-trafficking proceeds, gang leaders bought legitimate businesses through which they could launder additional drug profits, including a stationery store, beauty parlors, grocery stores, and a liquor store.

Taking the lead, the Homicide Investigation Unit (HIU) of the New York County (Manhattan) District Attorney's Office pursued an investigation in cooperation with many other agencies, including the New York City Police Department; housing authority police; police in another State and in Puerto Rico; and Federal agencies, including the Bureau of Alcohol, Tobacco and Firearms (ATF), the Drug Enforcement Administration (DEA), and the Federal Bureau of Investigation (FBI). Among the tactics that the HIU used within the context of its multijurisdictional approach were the following:

- Intensive study and initial surveillance. The gang's hierarchy, structure, drug-selling locations, and range of illegal activities were identified using methods that included photo and video surveillance as well as the use of confidential informants (CI's).
- Infiltration of the gang by undercover officers. Although the focus of undercover officers was on top-level gang members, information was gathered on all members and on their business locations, goods or property owned, and means of communication. Often lower level gang members became informants or witnesses. In addition to buying drugs and weapons at the highest possible level within the gang, undercover officers tried to acquire information that justified court permission for the unit to use various electronic surveillance devices.
- Cultivation and use of CI's. By debriefing gang members after arrests or while in prison, the unit identified and cultivated those willing to become CI's. They proved invaluable for introducing undercover officers to other gang members; for gathering supplementary information about past, present, and planned gang crimes (particularly about homicides); and for testifying against key gang members.
- Electronic surveillance. The unit found electronic surveillance essential to making successful cases against gang members, especially when the goal was to prosecute them as participants of a criminal enterprise under applicable State or Federal statutes.
- Cooperation with parole and probation. The unit initiated action to revoke probation or parole of gang members found violating release conditions.
- Asset forfeiture. The unit targeted for seizure and forfeiture gang members' possessions—such as cars, boats, real estate, and businesses—purchased with drug proceeds or used to facilitate the distribution of narcotics.

Through such tactics, the HIU dismantled the Black Park Gang. However, the park was still subject to takeover by other gangs. As a preventive measure, the lights surrounding the park were repaired and activities for youth at the park initiated, such as recreation programs supervised by the Police Athletic League. The neighborhood soon renamed Black Park as White Light Park, which has since remained gang free.

Temporarily removing the individual from the streets could disrupt the flow of business and permit the use of other tactics or at least send a message that the agency will diligently pursue criminal gangs. In some instances, such arrests might warrant a search of the subject that could yield drugs, weapons, or stolen property, leading to more serious charges. To be effective, such a tactic depends on cooperation by prosecutors whose priorities are inclined to focus on more substantive cases.

Frequently, gang MO's are rooted in an awareness of investigative techniques.

An adult gang leader such as the one described above also may be a candidate for a State conspiracy investigation. For example, some gangs use a structured communications system involving pagers and pay and cellular phones. (In such cases, court permission for wiretaps may be required.) However, if cost, legal, or resource constraints prevent this course of action by a local agency, involving a Federal agency in the investigation is another possibility (for example, the Bureau of Alcohol, Tobacco and Firearms (ATF), when Federal firearms violations are involved). These approaches are discussed later in the chapter and illustrated in case examples.

Knowledge of Police Operations and Policies. Frequently, gang MO's are rooted in an awareness of investigative techniques. This awareness does not necessarily negate the effectiveness of the techniques and may suggest a review to determine whether implementation changes are warranted. For example, in New York City, one Jamaican posse included members who were former Jamaican police officers, some having been trained in the United States. Their knowledge of tactics used by the New York Police Department was substantial. Undercover officers operating out of a DA's office were permitted to use tactics significantly different from those of other law enforcement personnel in the city. The DA's gang unit could:

- ☐ Provide front money for drug buys.
- ☐ Conduct inside buys.
- ☐ Carry weapons during buys. Because of high robbery potential, absence of weapons would alert sellers to the possibility that buyers were undercover officers.
- ☐ Purchase drugs and weapons as part of the same transaction.
- ☐ Make buys on weekends and at night, not just during typical shift daylight hours.
- ☐ Make buys during special events (for example, on Super Bowl Sunday).

Familiarity with individual gang MO's will allow law enforcement personnel to select methods that will provide the highest degree of effectiveness as well as officer safety.

Hidden Wealth. Some criminal gang leaders and hardcore members have accumulated wealth through their illegal enterprises, and an examination of their investments may be worthwhile. In addition to purchasing items such as luxury cars and jewelry, they may have purchased real estate or businesses through which they launder illegal profits. Agencies may consider seizing such possessions by applying State or Federal asset forfeiture laws, and some gang leaders may be appropriate targets for financial investigations.

Status as Illegal Residents. With gangs whose members are primarily illegal aliens, law enforcement should consider delaying arrests until the entire gang may be apprehended in one operation and consequently deported. A more incremental approach gives members time to flee to their native lands. When illegal aliens are gang members, obtaining confidential informants (CI's) by threatening deportation is often an effective tactic. Some agencies have worked successfully with the Immigration and Naturalization Service (INS) on gang cases involving illegal residents.

Aggressive Attempts To Organize Local Gangs. The presence of gang members who are new arrivals from other jurisdictions may require that agencies revise their tactics. For example, to let new arrivals know that their anonymity is lost, some agencies switch from covert to overt surveillance, including videotaping, which can be sufficient inducement for recent arrivals to leave the jurisdiction. The success of this tactic depends on high-quality gang intelligence networks.

The gang characteristics discussed above create numerous problems in developing a generic gang suppression strategy. However, law enforcement personnel, using a combination of traditional enforcement methods and innovative tactics, should be able to overcome many barriers.

An Overview of Suppression Tactics

Because street gangs have become increasingly involved in drug-related crimes, the tactics outlined in the following sections have a strong drug enforcement orientation. It is assumed that agencies have a thorough working knowledge of how to implement drug enforcement tactics. Descriptions here are brief and primarily provide a context for such tactics in gang suppression. Further information may be found in other BJA drug enforcement monographs.[23]

Use of Confidential Informants and Undercover Officers

Two tactics employed by agencies in the gang suppression effort are the use of CI's and undercover officers.

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Confidential Informants. The cornerstone of gang suppression efforts is cultivation and use of CI's, the tactic that agencies usually employ despite its high cost in terms of maintenance, time, protection, preparation for court testimony, and possible eventual relocation.

Working under the direction of investigators, CI's supply four major services:

- ❏ Purchasing drugs, weapons, and other items from, or selling them to, gang members who thereby expose themselves to arrest and prosecution.
- ❏ Introducing undercover officers to gang members to infiltrate, purchase or sell drugs, and collect essential information.
- ❏ Providing data such as the location of crack houses and other business locations, assets held by gang members, the identity of gang leaders and violent members, past crimes and who committed them, planned crimes, MO's, addresses, and telephone numbers.
- ❏ Serving as witnesses at trials.

CI-supplied information about imminent clashes between gangs, including those at schools, or planned killings is of particular value to proactive suppression efforts. Gang investigators may be able to defuse gang fights or prevent murders by acting on tips from reliable informants. They may not only prevent the incident in question, but also prevent more violent gang warfare.

Generally, the most valuable CI is a member of the targeted gang; however, members of rival gangs, friends of gang members, or persons who are not affiliated with gangs but who compete against them in the drug market can serve as CI's and provide highly useful information. In some cases, agencies import professional CI's, often through the cooperation of Federal agencies, such as ATF.

A common range of motives applies to persons who decide to become gang-related CI's: money, revenge, fear, elimination of competition, prosecutorial or judicial leniency, and repentance. Some gang members, perhaps pressured by friends, commit themselves to the gang before fully understanding the scope of its violence and criminal activity. These individuals often develop reservations and seek a way to terminate their involvement. They may regard becoming CI's as an acceptable way to exit gang life, especially when faced with the possibility of arrest or lengthy incarceration.

. . . the use of undercover officers is extremely difficult because of the nature and/or demographics of the targeted gang . . . .

Undercover Officers. Frequently, the use of undercover officers is extremely difficult because of the nature and/or demographics of the targeted gang (for example, other cultures). Under the appropriate circumstances, however, undercover officers may achieve the following results through gang infiltration or by other means:

- ❏ Drug buys made as part of either buy/bust operations or long-range investigations.
- ❏ Reverse stings.

- Provision of information that supports requests for court-ordered electronic surveillance and establishes probable cause for issuance of search or arrest warrants.
- Taping or transmission of incriminating conversations with gang members.
- Identification of potential CI's.
- Identification of suppliers of drugs and weapons to gang members.
- Acquisition of information similar to that listed earlier for CI's, such as identification of gang members, gang assets, and locations of crack and stash houses.

Surveillance/Arrest, Buy/Bust, and Reverse Sting Operations

Three approaches to curbing drug trafficking by gangs are surveillance/arrest, buy/bust, and reverse sting operations.

Surveillance/Arrest. One traditional approach to curbing open-air drug trafficking by gangs is surveillance, followed by the surveillance officer arresting parties to the transaction. Surveillance occurs from unmarked vehicles, buildings, or any other location providing a clear view of the market area. Alternatively, the surveillance officer may observe transactions from a more distant point and identify the buyer and seller by radio to a jump-out squad, which then moves in and makes the arrests. The second approach reveals neither the surveillance officer nor the surveillance location.

Three approaches to curbing drug trafficking by gangs are surveillance/arrest, buy/bust, and reverse sting operations.

Buy/Bust. Buy/bust operations have proved effective against gang members. In the most basic form of this tactic, undercover officers make drug buys and either immediately arrest the sellers or signal jump-out squads. In some scenarios, the arresting officers are hidden in the back of vans driven by the undercover buyers. To better protect undercover identities, a variant of this tactic allows the undercover officers to make the buys and remove themselves from the scene; then backup units, which either observed the transaction or were in radio contact with undercover officers, move in for the arrests.

Yet another variation avoids alerting targeted gang members until they all have made sales to either undercover officers or CI's, after which arrests are made en masse. Each transaction is recorded on audiotape or videotape (preferably the latter), from which officers familiar with the neighborhood often can identify the sellers. As described in Prosecuting Gangs for Drug Trafficking, the San Diego prosecutor's office reports using this tactic to induce many guilty pleas and has found the videotapes to be strong evidence in cases at trial. The tapes also may be effective in persuading gang members to become CI's.

Prosecuting Gangs for Drug Trafficking

The San Diego District Attorney's (SDDA's) Office formed a gang unit in 1981. The main function of the unit's three attorneys at that time was to prosecute gang-related homicides. In 1989, a BJA grant enabled the office to hire two additional attorneys to coordinate the investigation and prosecution of violent members of drug-trafficking gangs. One investigation targeted Crips (Operation Blue Rag), one targeted Bloods (Operation Red Rag), and another was directed at Hispanic gang members (Operation Bandanna).

Police investigators worked side-by-side with the prosecutors to plan and execute these operations, all of which involved using "flipped" gang members to make drug buys. The buys were recorded by video cameras hidden in informants' cars. Investigations lasted from 6 weeks to 3 months. Most defendants pled guilty to drug-trafficking charges and received sentences averaging 5 years in State court.

Several elements were critical to the success of these operations:

☐ A motivated and reliable informant who was easily accepted by targeted hardcore gang members.
☐ A vertical prosecution team that worked together with investigators from the operation's beginning.
☐ A principal prosecutor who was freed from responsibility for other cases.
☐ Videotaped corroboration of drug transactions.
☐ Coordination with judges to inform them of the number of forthcoming indictments and to discuss security issues. (In San Diego, two judges were assigned to try all gang cases.)
☐ Coordination with the jailer before a sweep to allow preparation for the increased number of detainees.

Two Federal Bureau of Investigation agents (FBI) were later assigned to the SDDA gang unit to review the processes used by these operations. The FBI successfully emulated the strategy in Oceanside, California, resulting in 58 arrests (and 56 guilty pleas) within 1 month. The FBI then brought one of its informants to Seattle, Washington, for another operation that resulted in the arrest of 110 gang members.

Reverse Stings. In reverse sting operations, which target drug buyers, undercover officers effect the arrests of gang members or their customers on charges of either purchasing drugs or, in States with the appropriate legislation, soliciting for the purpose of buying drugs. In soliciting cases, actual drugs are not needed because the offense is triggered when buyers, at the request of undercover officers, show their money. At that point, the undercover officers, in sight of surveillance teams parked nearby, direct the buyers to locations where drugs supposedly are available or otherwise convince them to drive away, perhaps by expressing concern about police in the area. The undercover officer videotapes the solicitation. After a customer drives away from the solicitation scene, officers in a marked police vehicle intercept the customer, whose driver's license provides identification, and explain that the stops are routine because the area is dangerous and known for drug activity. If appropriate, officers issue traffic tickets. In any event, the stop serves to corroborate the solicitation, and the encounter with the uniformed officer is also videotaped. Arrests are made at a later time.

When undercover officers actually sell drugs during reverse stings, buyers are videotaped and, upon completion of the transaction, arrested by a backup unit, which may also seize the buyer's vehicle under State forfeiture laws. Included among the many details that must be considered prior to such operations are protection of the drugs, avoidance of entrapment,

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officer safety, arrest and booking procedures, and, if a large number of arrests are expected, coordination with courts and corrections.

Elements critical to successful investigation and prosecution of drug-trafficking gang members are described in Prosecuting Gangs for Drug Trafficking.

Interdiction, Barriers, Sweeps, and Warrant Execution

Additional investigative approaches to gang enforcement involve the interdiction of gang drug supplies and the use of roadblocks, street barriers, police sweeps, and execution of warrants.

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Interdiction. Interdicting gang drug supplies through traffic stops must be supported by observation of illegal activity or at least by reasonable suspicion. Searches of vehicles and occupants must be based on probable cause unless they occur as incidental to arrest, in conformance with the plain view exception, with the consent of the driver or owner, or in accordance with agency regulations governing impoundment searches. Probable cause may arise during the interaction between officers and the driver and passengers, such as the detection of odors associated with marijuana or substances used to mask the smell of drugs; pry marks on the vehicle; or narcotics paraphernalia in plain view.

Some police agencies have established roadblocks because of traffic congestion due to street narcotics activity by gangs. These roadblocks involve checks of driver's licenses and vehicle registrations and may result in arrests not only for traffic-related violations, but also for drug-related offenses. If drugs are found, roadblocks may be regarded as a form of interdiction. Agencies often use roadblocks in conjunction with other tactics to target gang activity in a neighborhood, such as uniformed saturation patrol, undercover buys, reverse stings, and asset seizure.

At transportation terminals, interdiction teams can intercept gang-related drugs and currency. Those teams may patrol terminals on a regular basis and use drug courier profiles or respond to tips from CI's or from sources among the terminal's security personnel.

Barriers. Some agencies have erected street barriers, combined with increased police presence, in neighborhoods seriously afflicted with drug trafficking, driveby shootings, and other illegal activity by gangs. In Bridgeport, Connecticut's, Project Phoenix, for example, the barriers create a maze of dead-end streets in a neighborhood. This greatly reduces the ease with which drug purchasers can turn off the adjacent interstate, make their buys, and quickly return to the highway. If conditions improve enough to warrant dismantling the barriers, residents and the police must make a strong commitment to improve overall conditions and retain control of the neighborhood. Before other agencies proceed with this tactic, they must first consider how barriers also may inhibit the access of emergency vehicles (for example, fire and ambulance).

Sweeps. Police sweeps are intended to provide at least temporary relief to neighborhoods suffering from particularly intense gang violence or drug activity. A sweep can target criminal activity on the streets, in buildings (as in apartment complexes), or both.

To help ensure that criminal activity does not reassert its dominance after a high-profile sweep, one agency maintains an intense patrol presence in the area for the following 6 weeks. During that period, other city agencies begin to rehabilitate the neighborhood. For example, streets and alleys are cleaned and made passable, unoccupied buildings are boarded up, unsalvageable structures are demolished, and fire and housing codes are enforced. Subsequently, patrol officers identify the area's law enforcement needs on a continuing basis, and other city agencies also remain involved. An example is OCS in Chicago (described earlier), which is only one component of the city's comprehensive plan to regain control of highrise apartment buildings. Followup, including security measures, building repairs, and resident services, begins immediately after the sweep.

Stash houses are often promising warrant-authorized raid targets, as are clandestine laboratories . . . .

Execution of Warrants. Because of the habitual criminality exhibited by hardcore gang members, a critical first step in gang enforcement is to determine whether outstanding arrest or bench warrants have been issued for them; if so, such warrants should be executed.

Developing probable cause to support search warrants can prove highly fruitful. For example, the Riverside, California, Police Department investigated gangs and related violent crimes, including drug dealing, for 2 months to prepare a 174-page search warrant affidavit. The affidavit supported 100 warrants that targeted gang-member residences in Riverside and the surrounding area. Following a detailed operations plan covering chain of command, communications, operational procedures and timing, and responsibilities of all involved, more than 300 officers from 35 agencies executed the warrants in 1 day. The operation resulted in 55 arrests on various charges, including murder. Officers seized 98 firearms (some fully automatic), explosive devices (including handgrenades), knives, and other weapons.

Search warrants in support of crack house raids may yield dividends, although in many cases, large amounts of drugs are not on the premises. Gangs frequently use their own version of a just-in-time inventory system by supplying crack houses with small quantities of the drug on an hourly basis. Stash houses are often more promising warrant-authorized raid targets, as are clandestine laboratories, although extreme caution is mandatory during their dismantling because of the dangerous chemicals that may be present.

Other Investigative Approaches

Other investigative approaches to gang enforcement include surveillance, followup investigations in departments with gang units, and task forces.

Surveillance. As previously noted, surveillance is appropriate in many investigative contexts. Techniques applicable to gangs include use of listening devices, wiretaps, body wires, car-tagging devices for electronic tracking, audio and video equipment, and simple observation.

Wiretaps and listening devices are usually restricted to surveillance of major players and to investigations leading to prosecutions of gang members as participants in conspiracies, such as in Racketeer Influenced and Corrupt Organizations- (RICO-) type cases. Some agencies monitor audiotapes and have them reviewed by paralegals, detectives, investigators, and prosecutors for all pertinent gang intelligence, which is then entered into the gang database.

Agencies use surveillance techniques to identify stash houses, safe houses, crack houses, and street sales locations. In a typical procedure, agency gang specialists conduct surveillances of crack houses and street sales locations, videotape the criminal activity, and if probable cause exists, make arrests or obtain search warrants.

Agencies use surveillance techniques to identify stash houses, safe houses, crack houses, and street sales locations.

As a case example, investigators working for the San Diego DA's Office taped state-of-the-art audio equipment to a CI's body to corroborate drug purchases transacted from the CI's vehicle, inside apartments, or in front of crack houses. After each transaction, the agency recorded the CI's debriefing on the same audiotape used during the purchase. The debriefing included the suspect's name, description, quantity of drugs purchased, and any other pertinent information. During the 4-month investigation, the CI made 65 drug purchases from gang members, and the tape enabled the CI to prepare effective court testimony.

In another San Diego operation, a CI made purchases from a vehicle in which a video camera and microphones were installed. The agency found videotaping more effective than audiotaping for corroborating drug purchases because it eliminated the possibility of a defense based on false identification, a tactic often used by defendants and their attorneys.

Followup Investigations. Police agencies differ in the extent to which they use gang unit members to conduct followup investigations. Policies from two different agencies related to this issue are highlighted below.

One agency states, "The [gang unit] will also concentrate on followup investigations. Through their expertise about gangs, the members of the unit have become adept at putting together cases with very meager evidence and, often, intimidated witnesses." However, gang unit members, often required to be available around the clock, generally are careful not to become overly involved in followup investigations. They also need enough time to fulfill the unit's proactive responsibilities in areas such as intelligence and prompt responses to threatened gang incidents.

In contrast, the Gang Task Force (GTF) in another agency conducts followup investigations in conjunction with other investigative units on all criminal acts committed by targeted gang members. To identify crimes committed by gang members, all police reports are reviewed daily by GTF's criminal intelligence officer, who compiles a list of all crimes in which a targeted gang member is likely to be involved. The unit supervisor coordinates the followup investigations on those crimes. GTF conducts most of the investigations, but specialized investigations, such as homicides, sexual assaults, and arson, are handled by other units. In those cases, a GTF officer is assigned to assist the investigating unit.

. . . task forces offer a framework that often can magnify the effectiveness of investigations.

Task Forces. Whether composed of agencies within one jurisdiction or across jurisdictions (such as local-county or local-Federal), task forces offer a framework that often can magnify the effectiveness of investigations. Advantages associated with this investigative approach include:

- ❑ Availability of more resources than otherwise could be brought to bear, including personnel, skills, and specialized equipment.
- ❑ A pool of undercover officers (and perhaps CI's) whose identities are not known by local gangs.
- ❑ Avoidance of duplicate investigations.
- ❑ Ability to select from a wider range of laws on which to base investigations and prosecutions (best charge in best court) or to seek court permission to use investigative techniques such as electronic surveillance.
- ❑ Coordination in gathering and sharing gang-related information.
- ❑ Containment of the interjurisdictional mobility of some gangs.

A formal task force agreement can help participants avoid misunderstandings pertaining to interagency issues such as command and control, responsibilities, objectives, asset sharing, overtime, liability, insurance, access to confidential information, weapons policies, rotation of personnel out of the task force, cross designation, tactics, and funding.

Other Approaches. Investigations leading to the arrests of gang members for violations of State or local firearms laws may qualify for referral, via ATF, to U.S. attorneys for prosecution under one of the Federal Triggerlock statutes, which often carry stiffer penalties than those authorized by State firearms legislation. For example, a gang member convicted for the use or possession of a firearm during a crime of violence or drug trafficking receives a mandatory consecutive sentence of 5 years in Federal prison, even in the absence of prior convictions. Gang members violating another Triggerlock law, the Armed Career Criminal Statute, face 15 years to life in Federal prison (see Chapter 7 for details).

Gang investigators may choose to pattern their investigations on the Federal Continuing Criminal Enterprise Statute or its State counterparts or on Federal or State RICO statutes (see Chapter 7). Gang members convicted under the RICO conspiracy approach, for instance, face not only incarceration, but also possible erosion of their economic base through asset forfeiture and injunctive relief.

Apart from RICO legislation, laws in all States authorize asset forfeiture in connection with drug trafficking, drug manufacture, and, in some States, other crimes. Gang units often refer such cases to their agencies' financial investigation units, which may pursue forfeiture on either a criminal or civil basis.

. . . laws in all States authorize asset forfeiture in connection with drug trafficking, drug manufacture, and . . . other crimes.

In many States, gang investigations benefit from legislation based on the "mad dog pack" theory. Under certain circumstances, such legislation holds individual gang members responsible for actions of the gang as a whole, even if they were not present when the crime was committed. Perhaps the most widely known legislation of this type is California's Street Terrorism Enforcement and Prevention (STEP) Act. Under this law, a single homicide and an attempted murder led to the prosecution of 32 gang members. The outcomes of this case included a 22-year State prison sentence for a gang member who was riding in the car from which shots were fired; a 3-year sentence for a gang member who, though not in the car at the time of the shooting, was present at a meeting where the shooting was planned; and a 2-year sentence for the head of the gang, who was neither at the planning meeting nor in the car. Whether agencies are able to take full advantage of investigations patterned on legislation such as the STEP Act depends, in general, on how thoroughly agencies identify the gangs in their respective jurisdictions and how well they document the identity of each gang member (see Chapter 7 for details on the STEP Act).

Another frequently used investigative approach is to revoke the bail, probation, or parole of gang members whenever possible (see Chapter 6).

Suppression Through Patrol

Another form of gang enforcement is suppression through patrol, which includes directed patrol and community-oriented policing.

Directed Patrol. Under a directed-patrol approach, agencies provide the relevant information about a gang-related problem as well as directives for action to uniformed officers . Among other possible tasks within the problem neighborhood, officers overtly enforce drug and other criminal laws, as well as local ordinances. Visible police presence hinders gang street activities and encourages citizens to participate in safe outdoor neighborhood activities.

Directed patrol can solidify an effective relationship between the patrol force and gang officers by increasing two-way communication and by assigning more resources to the gang problem. For example, some patrol officers could be directed to work for a few hours each day on specified gang-related tasks, such as answering gang-related calls for service, gathering gang-related information, executing warrants on gang members, or carrying out gang prevention activities.

Directed patrol is an integral part of a multiagency task force approach established in 1991 in the operations division of the Ft. Wayne, Indiana, Police Department. Its Community Anti-Narcotics (CAN) concept advocates a more thorough approach in which a team of officers, under the direction of the community policing supervisor, goes through five basic steps in each CAN operation.

Step 1, targeting, involves selecting a target area after analyzing crime data (for example, call-for-service, felony arrest, drug line, crime stoppers, and gang data) and conducting video surveillance. Several other police departments assist with Step 2, surveillance. Step 3, intensive undercover enforcement, lasts 2 to 4 weeks. One 2-week CAN sweep in 1992 resulted in approximately 50 arrests. Step 4 is saturation patrol. Step 5 is evaluation. In 1992, this involved door-to-door canvassing by CAN officers (reserve officers assisted in 1991), who also distributed crime prevention information and made referrals to city resources.

The community policing philosophy emphasizes identification and resolution of problems and conditions that cause crime . . . .

Community-Oriented Policing. A proactive, decentralized, neighborhood-based approach, community-oriented policing stresses close interaction and cooperation between citizens and uniformed patrol officers, who are frequently based at neighborhood substations. The community policing philosophy emphasizes identification and resolution of problems and conditions that cause crime, rather than focusing exclusively on individual incidents.

Ideally, neighborhood residents and police jointly define the problems, select the targets, and share in developing appropriate strategies. Solutions to underlying problems or conditions that contribute to neighborhood crime include removing abandoned cars, improving street lighting, converting pay phones to function on a call-out basis only, securing advance permission from business owners for police to enter private property (for example, parking lots and exterior stairs), and arresting and investigating gang members or other loitering individuals.

Many view community-oriented policing as an attractive option for addressing the fears and misapprehensions that often are prevalent among minority communities. As one gang unit commander explained, the agency must sell its anti-gang program to minorities so that they will not consider it a form of repression against their respective communities.

For example, the Oakland, California, Police Department recognizes the value of a community-oriented approach by consistently reaching out to Latino and Asian organizations to explain that, in contrast to some other nations, police in the United States are part of the solution, not the problem. Among its other outreach activities, the department distributes videos featuring minority narrators who explain how police and other criminal justice agencies operate. These efforts appear to be useful in promoting a greater willingness among minorities to volunteer gang-related information.

The Aurora, Colorado, Gang Task Force, considered a model in its broad-based community approach to gang suppression, is highlighted in Community-Oriented Gang Control.

Community-Oriented Gang Control

The Aurora, Colorado, Police Department (APD) established the Aurora Gang Task Force (AGTF) to implement gang prevention recommendations derived from the department's study of the community's gang problem. AGTF is a structured, ongoing group composed of 75 members who represent city government, the police department, health care, businesses, schools, religious organizations, military installations, and nonprofit groups.

APD and AGTF have a symbiotic relationship, with APD providing firsthand information to AGTF members, and AGTF mobilizing the remainder of the Aurora community to do its part in supporting gang control and prevention efforts. To assist the gang investigation unit, members of the task force obtained donated video cameras, mobile telephones, and surveillance and night vision goggles from local Rotary clubs and military installations. A local trade school volunteered to transform police cars into unmarked surveillance vehicles, and Humana Hospital-Aurora provided meeting space, support staff, and funds to support APD- and AGTF-related services.

AGTF, in conjunction with APD, also produced a videotape, *Aurora Colors*, which, along with a companion publication, was distributed nationally and internationally. The materials chronicle the rise of gangs and the city's efforts to combat them. They were funded and produced by Humana Hospital-Aurora, whose Director served as Chairman of AGTF.

AGTF is considered a model in its broad-based community approach to controlling gangs. In 1992, the program received an outstanding achievement award through the 1992 City Livability Award program at the U.S. Conference of Mayors' Annual Meeting. That year Aurora was also selected as the site for a $250,000 study from NIJ. The study is expected to be used in developing a national model on how to deal with gangs in America.

For copies of the video or publication or for information about Aurora's gang control efforts, contact AGTF, c/o Presbyterian St. Luke's Medical Center, 1719 East 19th Avenue, Denver, CO 80218, 303–839–6100 or 303–830–7171.

Suppression Through Enforcement of Codes and Abatement Ordinances

Compliance with health, building, and zoning codes, as well as nuisance abatement ordinances, may be enforced to close crack houses, clandestine laboratories, and other gang locations; to evict gang members from apartments used for drug-related purposes; and to otherwise control gang activity. For example, one agency produced evidence resulting in the eviction of 324 tenants for drug-related reasons over a 30-month period and, in some instances, used eviction threats as leverage to cultivate CI's.

In one jurisdiction, law enforcement and another city agency cooperate to survey buildings in high-crime areas and determine whether codes are being violated. The legal owners of buildings with code violations are given 1 month to comply. If violations are not remedied within the allotted period, the property is fenced off and boarded up. If, after a series of additional notifications, the owner does not respond, the property is subject to demolition, or the city can rehabilitate the property for resale or conversion to public housing to avoid leaving buildings in a boarded-up condition.

Another option for controlling gang activity is enforcement of gang-free or drug-free zones at parks and schools. Chapter 7 provides more information on legal issues surrounding use of these tactics.

Interagency Cooperation and Collaboration

Given the violence and other characteristics associated with gangs, heightened cooperation between law enforcement and other criminal justice agencies—prosecutors, probation and parole, jails and courts, crime laboratories, and Federal agencies—is critical to the success of gang suppression efforts.

Police-Prosecutor Cooperation

Components of police-prosecutor cooperation include vertical prosecution, early involvement and advice, and managing and protecting witnesses.

Vertical Prosecution

Under vertical prosecution, the prosecuting attorney, trained in and usually devoted full time to gang matters, is responsible for each phase of the case, from filing through trial and sentencing. The New York County (Manhattan) District Attorney's Office uses different prosecution teams for different gang types. For example, one team focuses on Dominican, Jamaican, and other gangs composed primarily of illegal aliens from the Caribbean and Central America, while another team focuses on Asian gangs.

Under vertical prosecution, the prosecuting attorney . . . is responsible for each phase of the case . . . .

A State task force on gangs and drugs in California concluded:

> [Vertical prosecution] has proven to be the most productive tool in attaining longer sentences for serious gang and drug offenders. This method of prosecution provides for more continuity throughout the court process. With specialized caseloads, attorneys can learn unique aspects of gang and drug cases. Prosecutors become more aware of the criminal history of individual gang members and have the opportunity to structure a case for more effective prosecution.[24]

Specialization also allows for a reduced caseload. A closer examination of this specialized approach is offered in Case Study: Vertical Prosecution in Tucson.

Under vertical prosecution, attorneys become trained in or otherwise attuned to the culture, structure, and guns-and-drug economy of the street gang. Some prosecutors become skilled in understanding and speaking street jargon and use this knowledge, for example, to extract the maximum amount of information from audiotapes of gang-member conversations. Others may feign ignorance of street language when interviewing gang members, which often results in subjects revealing more than intended.

Prosecuting attorneys in vertical units emphasize gang affiliation of defendants as an aggravating factor in support of no-bail motions and petitions for maximum sentences. If bail is made with illegal funds, attorneys may, under applicable laws, initiate steps to revoke it. Vertical prosecution often results in greater willingness by attorneys to accept cases involving relatively mundane charges, such as disorderly conduct or vandalism, to deter gang activity and to build gang-member criminal histories. Such prosecutors also determine the relative advantages of bringing charges through an information, grand jury, or preliminary hearing.

Early Involvement and Advice

According to law enforcement agencies experienced in dealing with gangs, the earlier the prosecutor becomes involved in gang cases the better. In the ideal situation, the prosecutor assists in all phases of investigation and in identifying appropriate targets for prosecution.

Prosecutors can advise on particularly effective laws, their elements of proof, and procedural pitfalls so that law enforcement can tailor investigations accordingly. Prosecutors can also advise on the following topics, among others:

Prosecutors can advise on particularly effective laws, their elements of proof, and procedural pitfalls . . . .

- Preparation and execution of search warrants.
- Avoidance of entrapment during buy/bust and reverse sting operations.
- Use of electronic surveillance.
- Selection of charges most likely to result in no bail or high bail.
- Asset seizure and forfeiture.

In addition, prosecutors may be present at the scene of raids and other operations to provide on-the-spot advice as legal questions arise.

Managing and Protecting Witnesses

In gang cases, the likelihood of witness intimidation is always a factor and should be among the first issues addressed by law enforcement and prosecutors. One option is relocation of a threatened witness to a relative's house, public housing apartment, hotel room, or out-of-town site. If the case resulted from work by a task force including Federal agencies, either of these parties may be able to absorb the cost of relocation and related security. Or a State victim-witness assistance fund may help to offset relocation costs.

Even when Federal agencies are not involved in investigations, local requests to place witnesses in the Federal witness protection program may be made to U.S. attorneys, who may forward the requests to the U.S. Marshals Service. However, gang members often have difficulty adhering to the program's guidelines, which require minimal contact with friends and family.

In some jurisdictions, law enforcement may request prosecutors to obtain a court-ordered ex parte protective order prohibiting release of witnesses' names until just prior to testimony.

To help witnesses feel more secure, prosecutors should make every effort to deny bail to gang defendants. According to a prosecutor in the Riverside, California, District Attorney's Office:

> The gang prosecutor should treat the detention or bail hearing as a major appearance, which may spell out whether the case is ultimately won or lost. If a gang member who has committed a violent crime is out of custody pending resolution of the charges, witnesses will disappear . . . . Prior to the hearing, the prosecutor should review the defendant's probation file, records with the police gang unit, and general criminal history, including reading the police reports for every detail, such as a prior occasion when the defendant was noted to have an extremely anti-authority attitude.

To help witnesses feel more secure, prosecutors should make every effort to deny bail to gang defendants.

Harassment can be devastating to witnesses. Responses to threats and taunts must be swift and dramatic if they are to be effective in maintaining open lines of communication with victims and witnesses. For example, the practice by gang members of loitering in front of a witness's home could be halted by placing additional patrols in the area. Probation or parole conditions prohibiting association with other gang members could serve as the basis for arrest and revocation in these instances.

In any case, the absolute minimum requirement is getting to witnesses early to establish a strong rapport and assure them that their interests and safety are of prime concern to police and prosecutors. Giving them the name of the investigating officer as well as 24-hour telephone access helps establish this confidence.

Some witnesses will be reluctant or hostile for reasons other than safety concerns (for example, relatives, friends, and gang associates of the defendant). Incarceration of material witnesses deemed likely to fail to appear at trial may be possible, at least until court-ordered bond is posted or immunity from prosecution may convince others to cooperate.

Reluctant witnesses may decide to recant or change their initial statements to police and prosecutors. To help counteract this, one gang prosecutor advocates that police and prosecuting attorneys familiarize themselves with and assess the applicability of the law on prior inconsistent statements. He notes that in *California* v. *Green* (1970),[25] the Supreme Court held that a prior inconsistent statement could be offered not only to impeach a witness at trial, but also for the truth of the matter asserted therein.

Another prosecutor often brings witnesses in gang cases to the preliminary hearing—in contrast to an information or grand jury hearing—in an attempt to neutralize possible future problems by reluctant witnesses. This action brings witnesses before the judge and defense counsel and records their stories early in the case, eliminating the possibility of problems caused by their failure to appear or presenting different testimony.

Other agencies advocate qualifying law enforcement officers as expert witnesses in gang prosecutions, based on their experience and training. For example, they are often required to lay a foundation for the admission of gang affiliation evidence in cases prosecuted under gang statutes.

Case Study: Vertical Prosecution in Tucson

At one time, the Pima County, Arizona, Attorney's Office did not distinguish between gang members and other defendants. Prosecution generally involved a different prosecutor for each stage of the case. In addition, practical case management considerations often prevented acceptance of gang-member cases. For example, an Arizona statute allows criminal prosecution for damages of $250 or more, but to control caseloads, attorneys would not bring cases involving graffiti damages of less than $500. Graffiti is often the first indication of a gang problem, but many incidents did not meet the $500 criterion. The Tucson police wanted to pursue these and other misdemeanor cases more aggressively, both to deter gang activity and to compile criminal histories on hardcore gang members.

To address these problems, the county attorney's office designated a trial attorney to review gang cases for charging decisions. The trial attorney also handled a general felony caseload. As the number of gangs and gang-related crimes increased, the attorney could not keep up with intelligence updates and maintain service levels while devoting time to other types of cases.

What became apparent was that violent street gangs, which often engaged in drug trafficking, required a more specialized approach. For example, police stressed that street gang cases often involve witnesses or victims who do not possess great jury appeal. Furthermore, these witnesses and victims may be reluctant or even unwilling to cooperate with law enforcement due to intimidation and fear or out of loyalty to the gang. General prosecutors often lacked the special expertise required to solidify an investigation containing problem witnesses or victims and bring it to trial. Opportunities to target high-profile gang members were lost, and prosecutors not specifically charged with making an impact on the street-gang problem had little time for proactive involvement at the investigative stage. As a result, criminal cases involving street gangs tended to receive inadequate attention.

Thus, the county attorney's office assigned a full-time prosecutor exclusively to street gang cases and investigations. This prosecutor handles all gang-related cases except those involving homicide and adult or child sexual assault (although these cases are assisted as necessary). The gang prosecutor also trains officers in up-to-date legal developments affecting investigations, advises during the search warrant process, uses special grand juries and grants of immunity, moves cases through preliminary hearings to evaluate and preserve witness testimony, and offers recommendations on how to interview defendants (for example, videotapes of interviews show the clothing style and colors of gang members—in contrast to how they dress for court—and may record hand signs).

The gang prosecutor also ensures coordination with the probation and juvenile justice systems. Thus, prosecution of juvenile street gang members is coordinated to achieve maximum exposure to the penalties for their adult counterparts. The gang prosecutor also notifies probation of all gang-member convictions and pleas so that preparation of presentence reports is assigned to investigating officers familiar with gangs and assists probation in expediting probation revocation proceedings involving street gang members.

Coordination With Probation and Parole

The following probation and parole recommendations of a California task force on gangs and drugs warrant serious consideration:

- ❑ Development of standardized gang-control probation and parole conditions that preclude continuing gang and drug involvement and provide enhanced probationer/parolee tracking.

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☐ Requirement that parole and probation conditions, as well as the name of the probation or parole officer and a 24-hour contact phone number for that agency, be listed on an identification card to be carried at all times and presented to any police officer upon request.

☐ Establishment of a centralized statewide registry, accessible to criminal justice agencies, to maintain information on all probationers and parolees, including the specific probation and parole terms and conditions applicable to each individual.

☐ Assurance that gang and drug offender probation violators will be returned to the judge who sentenced them.

Among the probation and parole conditions recommended by the task force are prohibitions on associating with other gang members, using car phones and pagers, and displaying gang colors, paraphernalia, hand signs, and slogans. Gang probationers and parolees would be required to submit to drug testing on demand, obey curfew terms, participate in drug prevention and education programs, and submit to personal and vehicle searches and seizures. In addition to the foregoing conditions, a probation department should include among its special conditions for gang members the following prohibitions:

☐ Recruitment or coercion of others to become involved in gang activity.

☐ Association with juveniles or frequenting of school grounds without prior approval.

☐ Appearance in court or at the courthouse unless serving as a party in the proceeding or reporting to a probation officer.

☐ Association with any person who is in possession of firearms, weapons, or replicas.

☐ Occupancy of a stolen vehicle or one that the probationer would likely have known was stolen.

☐ Driving a vehicle without a valid driver's license, registration, and proof of insurance.

. . . police can attempt to present testimony against granting probation or parole to gang members.

With close coordination and information sharing between law enforcement and probation and parole, police can attempt to present testimony against granting probation or parole to gang members. If probation or parole is nevertheless granted, officers can then strive to detect violations of conditions, especially by hardcore gang members. For example, they can ride with law enforcement on directed patrol, receive police backup in potentially dangerous situations, and use their search and seizure powers to provide police with timely access to the homes of gang members when appropriate (see Police-Probation Coordination To Control Gang Probationers for further examples).

Police-Probation Coordination To Control Gang Probationers

In 1990, the Tucson, Arizona, Pima County Court sentenced 50 percent of gang members found guilty through plea or trial to prison terms and the remainder to probation. Of those receiving probation, approximately 70 percent were placed on lowest level supervision. It became apparent to the probation department that most gang members were not being held fully accountable for their prior actions.

Initial efforts to rectify this situation established a liaison with the police department's gang task force to obtain information on the activities of gang members pending sentencing and on those already on probation. Armed with that information, presentence investigating officers successfully increased the number of gang members receiving prison sentences, and probation officers became more aware of and better able to control the activities of gang-member probationers.

Typically, probation officers are generalists who deal with low-risk, high-need probationers. In contrast, gang members are generally high-risk offenders for whom officers require special training and expertise. Thus, to increase the effectiveness of supervision, reduce risk, and enhance surveillance and suppression of illicit activity, the probation department assigned six officers to specialize in dealing with gang members. Focusing on suppressing gang activity and generating information and intelligence, the officers were firearms qualified, underwent unarmed self-defense training, and began working closely with the police department as part of the gang task force.

To increase gang-member accountability, gang task force and probation officers worked together in several ways. They jointly conducted home inspections, particularly when a defendant was suspected of possessing weapons or engaging in drug trafficking. The probation department also implemented minimum standards of conduct for all persons under supervision (whether under routine supervision or assigned to enhanced programs, such as intensive probation supervision) and imposed special conditions for gang members.

Coordination With Corrections and the Courts

Another example of interagency cooperation is between corrections and the courts, which includes alerting officials to gang arrests and court security issues.

Alerting Officials to Gang Arrests

When special operations such as stings are likely to result in an unusual number of arrests, law enforcement should alert jail personnel to the ensuing extra workload. Jailhouse preparation for the influx should be done in a way that does not alert currently detained gang members, who may tip off associates by phone or through visitors.

Police also should inform jail personnel of the gang affiliations of arrestees so that members of rival gangs may be segregated, if possible. Courts should be forewarned of an impending surge in caseloads that will result from vigorous gang enforcement activity.

Court Security

Gang members may attempt to intimidate witnesses and victims in the courthouse (for example, by threats, menacing looks, and gestures). However, certain measures can provide protection in the corridors and in the courtroom itself.

Ideally, physical layout and timing can be manipulated to separate routings in the courthouses for the general public, judges, juries, court staff, witnesses, and defendants. Gang-member defendants and witnesses should occupy separate rooms while awaiting proceedings. Also, a close relationship should be developed with local victim/witness programs, both to discuss with staff the potential dangers involved in gang cases and to arrange to meet witnesses' special needs.

A common security precaution is the use of metal detectors and video cameras at either the courthouse or courtroom entrance. Security suggestions from various jurisdictions include the following:

A common security precaution is the use of metal detectors and video cameras . . . .

☐ Because gangs often pack the courtroom to intimidate witnesses, investigative officers could attend court and point out potential gang members to the judge and the witnesses.

☐ Known gang members can be removed to the outside corridor of the court for justifiable safety purposes. They should be identified, frisked, and questioned about their presence in the courtroom. The investigator can bring a Polaroid camera and have them pose for the department's gang book. Although younger gang members may become nervous and leave, hardcore members believe it is their duty to back up fellow members and may remain in the courtroom.

☐ Investigative officers should check the status of all identified gang members in their data system to discover whether they are on parole or probation or have a trial pending. This information may be used as the basis for a bail increase motion, because nonassociation with gang members may be a condition of the probation or parole.

☐ Making the judge aware of potential problems can prepare the way for quick action. For example, if any intimidating signs are flashed to witnesses, the gang member responsible may then be barred from the court and possibly arrested.

Consistent with recommendations of the California task force on gangs and drugs, the San Diego court system assigns gang cases to certain judges, who realize the unique aspects of adjudication involving these cases. The task force advocated that large communities establish specialized courts to hear only cases involving gangs and drugs and recommended that judges receive specialized training. The task force's rationale is summarized below:

> Gang and drug cases involve complex facets of the law that address narcotics trafficking, juvenile offenders, and violent crimes. However, the judiciary is not provided the specialized training necessary to address those problems . . . . Judges may not yet be aware that gang offenders have become increasingly sophisticated in manipulating the criminal justice system . . . .

They often use juveniles in drug operations to avoid adult penalties, and by requesting diversion to drug treatment programs, they often avoid incarceration.

Gang- and drug-related cases contain many nuances. Judges must consider the complexity of the narcotics laws, the potential for victim and witness intimidation, the attributes of gang behavior that influence the criminal act, and the manipulations of attorneys who may endeavor to delay unnecessarily the court proceedings. Weighing all of these factors within a general court caseload can be difficult. Specialized courts adjudicating gang and drug cases will provide judges with the opportunity to learn more about the attributes of these cases, leading to more effective adjudication.[26]

Cooperation With the Crime Laboratory

By alerting the crime laboratory to significant operations targeting gang drug trafficking, agencies may improve the expediency of analysis of seized substances and not delay development of the prosecution's case.

Given the agreement of the court and prosecutor, field-testing drugs may be a feasible alternative for preliminary or bind-over hearings, which require probable cause rather than proof beyond reasonable doubt.

If advised in advance by the agency that a drug-seizure operation targets members of the same gang or may otherwise result in related court cases, the crime laboratory may be able to use the same technician for all submitted substances, thus simplifying later court testimony. Additional techniques are described in Crime Laboratory Tips for Handling Gang-Related Drug Evidence.

Crime Laboratory Tips for Handling Gang-Related Drug Evidence

Certain basic procedures may avoid serious problems. For example:

☐ Officers should not just label their respective seized drug submissions to the laboratory as Item 1 and Item 2, for example, but also include the seizing officer's initials after each such designation to enable the laboratory to identify quickly among a multitude of items which one is needed when someone requests an item from the operation.

☐ When officers submit evidence to the laboratory, they should not combine drugs and other items on the same property sheet (such as crack cocaine and a knife). Doing this could create excessive paperwork in connection with preserving the chain of custody.

☐ Each laboratory-stored submission should be placed within a transparent glassine container, which is then placed in an outer glassine packet along with the envelope used to send the drug sample to the laboratory. This permits the evidence to be seen but not disturbed. The outer glassine packet has a coded seal so that tampering can be easily detected. The laboratory weighs the inner drug packet before and after analysis and before disposal to ensure that part of the contents have not been removed.

☐ Officers should submit bullets or bullet fragments within metal containers similar to those used for film. Using envelopes exposes contents to inadvertent damage.

Cooperation With Federal Agencies

Close contact between local agencies and appropriate Federal agencies may yield many of the advantages cited in the previous discussion of task forces (see Chapter 5). Local agencies may often benefit from Federal assistance when dealing with gangs involved in the interstate movement of people, drugs, weapons, and money. Federal agencies may benefit from the gang information accumulated by local agencies and from the experiences of the local police in combating street gangs.

Local agencies frequently collaborate with Bureau of Alcohol, Tobacco and Firearm (ATF) regional offices, which can provide information about gun dealers and supply valuable intelligence. ATF is backed by powerful Federal weapons statutes, such as those underlying Project Triggerlock. In addition, ATF can trace weapon origin, perform ballistics analysis, and raise fingerprints on weapons through laser printing. In some cases, ATF has also provided buy money (for weapons), overtime funds, and specialized equipment to local agencies. In another instance, an agency reciprocated assistance to ATF by providing work space for its agents.

. . . ATF and other agencies maintain gang databases that may be accessed by local gang investigators.

Resources of the Federal Bureau of Investigation (FBI) and the Drug Enforcement Administration (DEA), especially in areas of drugs and violent crime, can be allocated to specific local gang problems. For example, the U.S. Marshals Service operates the Federal witness protection program, heads a program to locate and apprehend dangerous and violent fugitives (Operation Gunsmoke), and is a source of information on asset seizure and forfeiture. For gang members who are illegal aliens, the Immigration and Naturalization Service (INS) can be a useful ally to local agencies seeking deportation or imprisonment of deported gang members who violate U.S. law.

Some local agencies collaborate with the U.S. Department of Housing and Urban Development (HUD) and local housing authorities to force cleanup of certain gang-affected properties. In addition, the local housing authority may be eligible for HUD drug elimination funds to hire officers, develop citizen patrols, or support other measures to improve security and combat drug-related crime.

Although not a Federal agency, the National Guard also warrants mention. It has assisted local agencies by providing personnel to help develop gang intelligence databases and by conducting air surveillance over public lands where gang-related drug trafficking activity is suspected.

As mentioned in Chapter 4, ATF and other agencies maintain gang databases that may be accessed by local gang investigators. For more information, contact the local or regional field offices of these agencies.

Legal Issues

Law enforcement's response to the epidemic of street gang crime, with new strategies and tactics complementing more traditional approaches, has proven effective in many jurisdictions; however, it often poses new legal issues to be resolved. Failure to resolve these legal issues may threaten the future success of new strategies. This chapter discusses the most common legal issues that may result from law enforcement efforts to control street gang crime.

This chapter first examines the criminal code provisions applicable to street gang crime, including a brief review of applicable traditional (common law) criminal provisions and recent innovative additions to the criminal code that target street gangs and related criminal enterprises. Then it discusses the primary legal issues associated with traditional law enforcement. These include the major police activities from a temporary stop through recordkeeping and information sharing. The chapter also analyzes legal issues relating to the use of civil law statutes, including nuisance abatement and building code requirements and discusses innovative prosecutorial tactics.

Traditional law enforcement tactics aimed against street gangs are directed at resolving criminal acts . . . .

Criminal Code Law Enforcement

Street gang law enforcement employs two types of criminal code. These include common-law-based provisions establishing criminal liability and new criminal laws directed at street gangs.

Traditional Criminal Code Provisions

Traditional law enforcement tactics aimed against street gangs are directed at resolving criminal acts and may include criminal offenses involving both direct and vicarious criminal liability.

Direct criminal liability includes drug trafficking, homicide, assault with a weapon, robbery, home invasion, arson, extortion, and auto theft. Vicarious criminal liability refers to the basis for invoking the criminal law and includes penal or criminal code provisions that define criminal acts such as conspiracy to commit crime and aiding and abetting overt criminal acts.

Innovative Law Enforcement Provisions

Two types of innovative criminal law provisions complement common law provisions: (1) laws directed at gangs and gang members and (2) laws providing for enhanced punishment for crimes that are often gang related, but not limited in application to gang members only.

Racketeering Enterprise Laws. State laws targeting criminal enterprises are directed at organizations of a continuing nature that engage repeatedly in acts of crime. The Federal Racketeer Influenced and Corrupt Organizations (RICO) Act (18 U.S.C. 1961 et seq.) is the prototype for State laws that are directed at organized crime and other racketeering ventures. RICO provides for enhanced sentences for 24 separate Federal and 8 State crime types. RICO also provides for a separate crime of engaging in a pattern of racketeering activities, defined as committing two or more racketeering crimes within a 10-year period. Most street gang crimes are among those listed as RICO violations.

Most street gang crimes are among those listed as RICO violations.

Street Gang Laws. The California Street Terrorism Enforcement and Prevention (STEP) Act (California Penal Code 186.20 et seq.) is the most extensive statutory scheme to criminalize gang acts as separate, substantive gang crimes that are distinct from traditional criminal law provisions. The key feature of this act is its criminalization of knowing membership in a criminal street gang. It defines a criminal street gang as an "ongoing and self-identified association of three or more members who individually or collectively engage in specified criminal acts (for example, assault and robbery) on an ongoing basis." Thus, the act requires proof of both membership in a gang and knowing approval of the gang's criminal acts.

Other State laws suggest how both elements are proven. For example, Florida law (Florida Statutes 874.01 et seq.) defines gang membership based on self-identification, parental identification, or circumstantial proof, such as residing in a gang area, dressing as a gang member, or associating with other known gang members. An Indiana law (Indiana Code 35–45–9–1 et seq.) requires the commitment of a felony. Virtually all State gang laws include "a continuing pattern of criminal behavior" in their definition of gang. However, California simply requires proof of two or more specific criminal acts, attempts, or solicitations.

The California STEP law and similar statutes create a new crime. Other State gang laws provide enhanced penalties for gang members convicted of more traditional violations. Florida law, for example, simply increases the crime level to one that is more serious (for example, from felony 3 to felony 2). Georgia law (Georgia Code 16–15–3 et seq.) adds 1 to 3 years onto prison sentences for criminal law violations. Another variation in creating substantive gang laws is Oklahoma's law (Oklahoma Statutes Title 21 Section 856) that criminalizes recruitment of minors into a gang as contributing to the delinquency of a minor.

Enhanced Punishment. Innovative criminal laws authorize enhanced punishment for dangerous offenders, habitual criminals, individuals using a firearm or other weapon in the commission of a crime, and commission of a crime in a protected area, such as a school zone. Although these laws may apply to all types of offenders, they are especially useful against gang members. The California law contains enhancement provisions, including ones for committing a crime in the vicinity of a school or for carrying a firearm during the commission of a crime.

Aiding and Abetting. Criminal laws providing punishment for aiding and abetting may be interpreted as applicable to gang leaders of organizations whose members engage in continuing criminal enterprises such as a crack network. Hence, a gang leader convicted of aiding and abetting may be punished under the continuing criminal enterprise laws as a principal in the criminal enterprise itself.[27] Gang membership also may be a basis for proving, in part, aiding and abetting serious violent crime when gang members participated (for example, rode in a car to the scene of an assault) in the preliminary stages of the crime without actually participating in the crime itself.[28]

Law Enforcement Actions

Law enforcement actions encompass police gang suppression operations, criminal investigations, interdiction, and gang information systems.

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Police Gang Suppression Operations

Police gang suppression actions include street stops and arrests, which, in the context of gangs, present unique legal issues.

The *Terry* Stop. The U.S. Supreme Court recognized in *Terry* v. *Ohio* the reasonableness of permitting police officers to stop individuals for investigative questioning, provided specified conditions are met.[29] Thus, a police officer may stop and ask an individual for identification if the officer has a reasonable suspicion for believing that the person may be engaged in criminal acts.[30] This reasonable suspicion must be based on both the officer's expertise and some objective element, which, in the gang context, may be in part gang insignia or association with known gang members who have a history of criminal involvement. Courts also have upheld *Terry* stops based on police observation of furtive movements or other unusual behavior.[31] In some circumstances, the basis for a stop may be quantified. For example, courts have become increasingly accepting of police use of courier profiles that list common characteristics of drug couriers who are seen at public transportation centers (for example, airports and bus terminals).[32]

Incidental to a legitimate *Terry* stop, a police officer may conduct a limited search of the detained person for reasons of safety.[33] The *Terry* search must be for weapons and based on fears for personal safety.[34] One factor affecting the reasonableness of the search is the nature of the suspected crime for which the *Terry* stop is made. The *Terry* stop crime must be of the sort where a suspect's carrying of a weapon is not unusual (for example, drug trafficking). Obviously, seriousness of crime is correlated with danger, but not exclusively; a *Terry* search can be legitimate even if the stop is for a minor offense.[35] If the person detained for street questioning is under court-ordered probation, the officer's search may not necessarily be limited by a personal safety motive.[36]

California courts have held that where an adult offender's probation order includes an obligation to submit to warrantless searches, such a provision is valid because it is based on waiver (defendants may refuse probation and its attendant conditions) and destroys any expectation of privacy that otherwise may exist. Juveniles may not waive probation as an adult offender may; however, juvenile courts have wide discretion to tailor probation conditions to the individual based on prior actions. Notwithstanding the officer's initial lack of knowledge of probationary status, warrantless searches of juvenile probationers under court order may be valid where the order is valid.[37]

Terry stops also are made to run warrant checks. Although such a stop by itself may be unquestioned, the warrant check may exceed permissible bounds if it lasts too long. Moreover, a reasonable basis must exist for making the warrant check. If the person stopped is suspected of only a minor crime, a warrant check is not appropriate.[38]

Arrest. The general rule is that warrantless arrests be based on probable cause that a crime has been committed and that the individual arrested committed the crime.[39] In misdemeanor cases, most States require that the arresting officer witness the offense for which an arrest is made. One exception is arrest of a juvenile for a misdemeanor offense. Certain States, including California, authorize warrantless arrests of juveniles for misdemeanor offenses based on probable cause.[40]

A common law enforcement strategy . . . is to arrest gang members for minor crimes . . . .

A common law enforcement strategy in gang crime suppression is to arrest gang members for minor crimes that might otherwise be left unnoticed. For example, in one jurisdiction, police enforce disorderly conduct laws based on behavior such as use of gang signs and hand signals. Such strict interpretation of the laws may violate several Federal constitutional guarantees, including first amendment freedoms of speech and association. Moreover, courts may well suppress evidence gained from a *Terry* stop safety search if the crime charged does not support a police officer's claim of fear for personal safety.[41]

Another arrest tactic is saturation patrol or sweeps, whereby officers saturate an area to arrest large numbers of offenders—typically those engaged in buying or selling controlled substances. Offenders who commit crimes in sight of the police are arrested; others may be asked to identify themselves, and a record of each contact is kept, including physical descriptions of suspects. As noted, a *Terry* stop permits asking individuals to identify themselves and may be the basis for warrant checks and safety searches for weapons. In the gang context, police sweeps also may be directed at offenders who possess dangerous weapons. In addition, sweep targets may commit lesser crimes in response to the sweep, such as obstruction of justice or disorderly persons violations.

Criminal Investigations

The principal criminal investigation techniques used in gang-related criminal cases include the use of confidential informants (CI's), undercover officers, drug buys and sales (raising entrapment issues), forced entry, and surveillance.

Information from CI's is commonly used to justify warrantless arrests and applications for search warrants.

Confidential Informants. Information from CI's is commonly used to justify warrantless arrests and applications for search warrants. The constitutional reasonableness requirement for police actions necessitates that the informant's information have indicia of reliability. If the informant is willing to be known and swear to the accuracy of the information, no further corroboration is needed. However, by definition, CI's wish to remain anonymous. Therefore, corroboration in this context may come in several ways. One way is from prior experience with the accuracy of the informant's information,[42] which also means that the informant's information is based on personal knowledge; otherwise the information is hearsay, requiring an assessment both of the reliability of the original source of the information and of the extent to which the informant may have misperceived what was said or made errors in repeating the information.

Corroboration also occurs when police can verify significant elements of the informant's information (for example, description of suspect or actions).[43] Finally, corroboration may be made based on two (or more) informants providing similar information when the informants are independent of each other and their information is based on personal knowledge.[44]

Defendant discovery of a CI's identity is required only in cases in which the informant can testify to issues related to guilt or innocence.[45] If informant information was used only to provide probable cause for a search warrant, the Constitution does not require discovery of the informant's identity. However, if the defense raises significant issues of entrapment, coercion, or planted evidence, the informant may be required to testify about these defenses.[46]

Undercover Officers. The use of police officers as undercover agents can circumvent the above-mentioned problems associated with using CI's. Because the officers' reported information is based on personal knowledge, they can swear personally in affidavits as to the truth of their own statements.

The most common legal issue associated with the use of undercover investigators is the defense argument of entrapment. Entrapment is a technical defense to criminal charges, which contends that *but for* police actions to encourage criminal acts, the alleged crime would not have occurred. The entrapment defense has two elements: outrageous acts by police that encourage criminal acts by the defendant and the propensity of the defendant to commit criminal acts without police encouragement. Police actions that arguably encourage criminal acts constitute entrapment only where it may be reasonably said to be likely to cause a normally law-abiding person to commit a crime.[47] Therefore, mere solicitations or offers by police do not constitute entrapment, nor does providing an opportunity for criminal acts. More is required, such as continued and prolonged offers for criminal partnerships, strong references to friendship as a motivating factor, or even the absence of any reasonable suspicion to justify making the police offer.

Two drug enforcement tactics are most common: the buy/bust and the reverse sting . . . .

Drug Buys and Sales. A common use of undercover investigators is the buying or selling of controlled substances to an offender who is otherwise involved in the drug trade. Of course, drug trafficking is often a gang-related crime. Two drug enforcement tactics are most common: the buy/bust and the reverse sting, in which the police sell drugs to drug traffickers or users. In the gang context, law enforcement's primary objective is to maximize potentially applicable penalties by increasing the number of charges and the amount of drugs involved. In practice, this often results in a continuing series of drug trades that later become the basis for court-issued arrest warrants. In addition, buy/bust operations may be used against individual gang members, with probable cause for a warrantless arrest emanating from the defendant's prior immediate participation in a drug transaction.

In the reverse sting scenario, police sell drugs to users or lower level drug traffickers. Some jurisdictions may argue that reverse sting operations violate the law that makes possession of controlled substances illegal because the law has no exception authorizing police possession of seized contraband—which is the only source of drugs for reverse stings. In a related scenario, the California Supreme Court has held it a criminal offense for police to supply a controlled substance to a confidential informant.[48]

Forced Entry. Police officers executing a search warrant must ordinarily knock and announce their purpose before entering.[49] Forced entry is permitted only to gain admission to a building where resistance to police entry may be expected, resulting in danger to the officers, or where delayed entry may result in the destruction of evidence. Forced entry may be accomplished by physical force such as the use of a battering ram or through a ruse in which an officer poses as a delivery man, salesman, or similar person to gain entry, permitting other officers to rush in.

Some jurisdictions authorize police entry into a building without notice, using so-called no-knock warrants.[50] Jurisdictions differ on the requirement to show a particular need for a no-knock entry, rather than a general need based on the type of crime involved.[51]

Surveillance. Police surveillance is another common investigative technique used to produce evidence for applications for search or arrest warrants. Depending on the crime involved, surveillance may be of a person or a location. Often, visual surveillance is supplemented by the use of audiovisual equipment to maintain a permanent record of what the surveillance uncovered.

The principal legal issues with surveillance typically involve privacy. One issue is the breach of a reasonable expectation of privacy through placement of audiovisual equipment in a nonpublic area. A search warrant is needed when the area is appropriately designated not usually open to the public and the offender is privileged to be there.[52] A second privacy issue is that of surveillance harassment. This issue is more problematic from law enforcement's perspective than the first privacy issue because subject awareness of surveillance reduces the likelihood of obtaining investigative information. In the absence of a strong law enforcement motive, courts are likely to balance the importance of other police motives against the claimed invasion of privacy.[53]

Interdiction

The primary interdiction methods—roadblocks, traffic stops, and street barriers—are all intended, in part, to disrupt drug-trafficking patterns. Roadblocks and traffic stops also may be used to gain physical evidence of criminal activity.

Interdiction methods . . . are intended to disrupt drug-trafficking patterns.

Roadblocks. Roadblocks are established checkpoints at which police direct vehicles to stop. Randomly stopping cars at any point is overly dependent on police discretion and is an intrusion into privacy, protected by the fourth amendment.[54] However, court decisions conflict on when roadblocks are permitted. At a minimum, the use of roadblocks must be reasonable—that is, likely to result in the identification of high numbers of persons in possession of controlled substances or other contraband.[55] This result, however, may be difficult to show.[56] Less difficult to prove is that a roadblock serves a traffic control function, such as limiting pedestrian drug buys that interfere with traffic flow.[57] Roadblocks may also be used in some situations to provide drivers with information that is intended to deter them from reaching sellers. California Attorney General guidelines require road checkpoints to be publicized in advance and for signs to be posted, warning of the checkpoint before drivers reach it.[58]

Traffic Stops. Traffic stops of individual cars must be based on a showing of either a traffic violation or probable cause to arrest an individual in the stopped vehicle (for example, based on an arrest warrant). The *Terry* reasonable suspicion test has been accepted by some courts to justify a traffic stop when the officer has some basis for suspicion that something relating to a crime has occurred or is occurring and that the car's occupants are connected with that activity.[59] After a justified traffic stop, the officer may make safety searches of the driver[60] and, in some instances, any other occupants of the vehicle.[61] If the officer sees contraband in plain sight after the stop, no search warrant is needed to seize such evidence.[62] In virtually all cases, a validly arrested driver may be searched, along with the vehicle being driven.[63]

Street Barriers. Barriers prohibiting or preventing entry into a street are used to inhibit drug trafficking by rerouting traffic patterns. The legal authority in some jurisdictions may require a rulemaking-like procedure to be used when street barriers are set up to create a permanent traffic pattern change. For temporary uses, however, virtually no jurisdictions limit police power to place traffic barriers.

Gang Information Systems

Investigation and suppression efforts are supported by the systematic collection of information about gangs and their members. In many jurisdictions, this information includes field interrogation or contact cards, arrest reports, crime reports, photographs of gang members, and court records.

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These items may be collected for internal use, such as planning gang suppression programs. They also may be disseminated to other governmental agencies, including those working with gangs, or to nongovernmental parties (for example, the media). Challenges to agencies' internal use of gang information records relate to the propriety of the data collection itself. Contentions that police information collection is illegal have been upheld where the collection was motivated by political considerations regarding potential infringement of first amendment rights.[64] In those cases, unlike the gang context, the crimes involved were few (if any) and rarely involved Part I crimes, as defined in annual FBI *Uniform Crime Reports*.

Police may use photographs that they have taken of gang members for the purpose of having witnesses identify offenders and for investigative purposes.[65]

A more serious issue is the dissemination of police records about street gangs and their members to other persons, in or out of government. Because gang members often are juveniles, State laws typically restrict dissemination of their juvenile records. However, these laws typically are directed at dissemination of juvenile court records, not law enforcement records.[66] To the extent that law enforcement records parallel juvenile court records (that is, they contain records of court appearances), they also may be covered by the same statutory limits. However, other elements of police juvenile records simply report on police contacts, which are not covered by these laws.

In practice, record dissemination within the criminal justice community is unlikely to be successfully attacked. Therefore, police, prosecutors, and probation officers may share their gang records among themselves when the records are created independently of the juvenile court.[67] The records should not be released to agencies other than law enforcement agencies without explicit legislative authority.

Innovative Uses of Criminal and Civil Law

Criminal and civil laws may be used as innovative tactics against crime conditions. Several of these are outlined in the following section.

Nuisance Abatement

Nuisance abatement laws are concerned with the elimination of public and continuing nuisances. Nuisance refers to property rather than personal conduct. Hence, a legal action to eliminate a nuisance may be directed at the property itself, as well as at the owners or users of the property.[68] A public nuisance action may be brought by government officials to protect public order and decency. In contrast, private nuisance actions may be brought only by the injured party to cure that person's injury.

. . . a legal action to eliminate a nuisance may be directed at the property itself, as well as at the owners or users of the property.

Nuisance abatement measures range from court orders stopping a particular use to seizure of a property for up to 1 year. Colorado's nuisance law even permits forfeiture of property, such as a car used in a driveby shooting.[69] The California and Louisiana STEP Acts classify buildings used by gangs for the commission of a pattern of crimes as nuisances and permit the court to order eviction or sealing of the buildings. These laws permit law enforcement to have abandoned buildings razed and vacant lots cleared.

A common use of nuisance abatement laws is to force owners to act against gang use of their buildings or face governmental takeover. For example, under these laws landlords have been court-ordered to clean up graffiti, erect security gates, install lighting, remove abandoned cars, and evict known drug dealers. Such orders are commonly coordinated with community policing tactics to reinforce the owners' ability to act against gangs.

The Los Angeles City Attorney has expanded on the nuisance abatement concept to secure injunctions against street gangs based on the effect of their presence on daily life. To prove the existence of a public nuisance, evidence to support such injunctions is solicited from daily logs kept by residents that describe incidences such as gunshot sounds or municipal sanitation or road maintenance schedule changes due to the fear of gangs.

Gang Ordinances

Local government laws also may permit police to arrest gang members who violate a police directive to disperse or leave an area. These new gang loitering laws expand on the common vagrancy laws that date back to England's feudal period. While vagrancy and loitering laws often have been successfully attacked for their vagueness,[70] these laws also have been upheld when directed at a specific problem, such as prostitution.[71] These latter cases support the constitutionality of gang loitering laws, especially if they can be tied to criminal actions such as drug trafficking.[72] However, an ordinance that is simply directed at gang members may be subject to challenge on first amendment grounds as infringing on the right of association protected by that amendment—unless the gang has been formally declared a criminal organization pursuant to a State gang law such as California's STEP Act.

Building Code Requirements

Building code requirements refer to State and local laws that regulate building construction and maintenance. Thus, buildings in a jurisdiction must comply with fire codes, health and sanitation codes, and other code requirements. For example, the lack of running water in an occupied building may violate code requirements. Local housing codes may be used to show illegal occupancy of a building, and zoning codes may be used for similar purposes. Building codes also may be used to close a building that is structurally unsafe or that does not have running water or working toilets. Under these codes, abandoned buildings that pose safety hazards may even be razed.

Parental Liability

Parental liability is based on the responsibility of parents for the acts of their children. Failure of parents to properly supervise their children may be considered a form of parental negligence. Depending on the degree or blameworthiness of parental negligence, civil or criminal liability may be authorized by statute.

The three types of parental liability laws are as follows:

- ☐ Laws on contributing to the delinquency of a minor authorize juvenile courts to exercise jurisdiction over the parents of a minor for the parents' actions or inactions that arguably contribute to the minor's delinquency. The contributing-to-delinquency laws are essentially a variant of vicarious criminal liability laws. Hence, some degree of causation must be shown. These laws also require that the minor's acts be within the jurisdiction of the juvenile court. If the minor is tried in the adult criminal court, there can be no contributing to delinquency.
- ☐ Laws such as the California STEP Act expand on the contributing-to-delinquency laws with a provision (California Penal Code 272) permitting criminal prosecution against a parent whose child commits a crime and who has knowingly failed to control or supervise the child. Prosecution is authorized only after the parent has been offered counseling or a course in parenting (after a prior crime has occurred). Similar legislation has been enacted in the States of New York and Kentucky.
- ☐ Laws may hold a parent civilly liable for injuries caused by a minor when the minor's act was directed or ratified by the parent or the parent's negligent acts were a proximate cause of the injury.[73] State statutes today permit parties injured by the intentional acts of a minor

to collect monetary compensation from parents for property damage and, in half the States, personal injuries. All States with parental liability laws place monetary limits on the amount that can be recovered; in Texas, for example, this can be up to $15,000. Indiana law raises the monetary limit if the injury is a result of gang-related activities.

Curfew Laws

Curfew laws prohibit minors from appearing in public streets or places, including places of amusement or eating, unless supervised by an adult between specific hours of the evening and morning (for example, from 11 p.m. to 6 a.m.). The primary justification for these laws is that juveniles who leave home at night are more vulnerable to peer pressure and the committing of crime than are adults.[74] However, this contention is not always accepted,[75] and curfew laws are typically challenged on civil liberties grounds.

School Regulations

School regulations include administrative rules that govern the dress or behavior of youth attending public schools by barring specific types of dress, activities, or property (for example, pagers) from school grounds.

School disciplinary rules may be used to enforce school ground neutrality, prohibiting gang activities in or near the school or even disciplining students for participating in gang actions outside of school. One common rule aimed at gang members is the prohibition of gang attire and hairstyle. Because school safety represents a strong State interest that outweighs a student's rights of free expression or association, most courts have upheld this type of school rule if the school can show that the prohibition is reasonably directed at limiting school disruptions due to gang affiliation conflicts.[76] However, this type of rule may be subject to challenge if written in language that is directed at race or gender.[77]

One common rule aimed at gang members is the prohibition of gang attire and hairstyle.

There is also court precedent for schools' outlawing gang membership.[78] One basis for such a bar is case law permitting schools to discipline students based on their engaging in illegal acts (for example, drug possession) away from school grounds.[79] The gang membership bar may, presumably, extend to barring student use of gang symbols, hand signals, or other actions furthering gang interests, such as recruitment of new members on school grounds. Schools also may bar students from leaving school grounds during the school day.[80]

Prosecution Issues

Prosecutors in gang-related prosecutions have developed several innovative strategies directed at increasing the penalties imposed on gang members. Other innovations are directed at preventing witness tampering.

Maximum Penalties

Three prosecutorial tactics directed at maximizing the available penalties in gang-related prosecutions are cross-assigning State prosecutors, filing enhancement charges, and using juvenile records in adult court.

Common enhanced sentences include those for possessing a firearm, committing a crime in a school or other protected zone, and furthering gang ties or motives.

Cross-Assignment. Federal law often provides more severe penalties for committing drug-related crimes than those that are available in State court. In other criminal cases, the Federal Armed Career Criminal Act (18 U.S.C. 924[e]) also may be applicable for increased sentences. A common tactic in some jurisdictions is for the State prosecutor to ask the U.S. attorney to accept jurisdiction and file charges in Federal court. When the U.S. attorney accepts the case, the State prosecutors may be given temporary status as assistant U.S. attorneys to prosecute in Federal court the same case that they would have filed in State court.

Enhancement Charges. In many States, the criminal code imposes enhanced penalties on defendants convicted of a crime with specified aggravating circumstances. For example, a defendant convicted of committing a robbery may be given a sentence of up to 10 years imprisonment with probation eligibility. An enhanced sentence for possession of a firearm during the robbery may add an additional prison term and bar suspension of that term for a probation sentence. The more common enhanced sentences include those for possessing a firearm, committing a crime in a school or other protected zone, and furthering gang ties or motives.

When an enhanced penalty is sought, most States require the charging instrument (for example, indictment or prosecutor information) to specify that enhancement is being sought and to identify the allegations for which enhancement is authorized.[81] Some State laws also require that each separate count of an indictment or other charging instrument include the relevant enhancements. In these States, if the defendant is not convicted on all counts, the enhancement charges may be lost.

Of the three types of cases most commonly involving sentencing enhancements, furthering gang ties or motives is the only one with unique proof elements. Proving that a defendant acted as a gang member or to further gang interests may require evidence specifically directed at proving this enhancement. For this purpose, the prosecutor may offer the testimony of an expert witness. Among the matters to which an expert can testify to show a gang-related motive are the meaning of gang graffiti or signs, gang rituals, or even the psychology of gangs and their members.

Evidence of gang membership may be admitted by the court when membership is relevant to proving motive and identity of a participant in a crime committed by gang members.[82]

Juvenile Records. Most State sentencing laws provide for enhanced penalties for those defendants previously convicted of a crime. Many of these States also provide that, for sentencing purposes, a juvenile disposition for a felony is the equal of an adult conviction.

Witness Intimidation

Prosecutor efforts to limit witness intimidation include applying witness intimidation laws, using methods such as preliminary hearings that protect testimony from changing as a result of witness intimidation, and establishing a victim advocate position.

Witness Intimidation Laws. Witness intimidation in criminal matters is a crime under both Federal[83] and State laws.[84] In cases of alleged witness intimidation, some prosecutors argue that high bail should be ordered, contending that efforts to obstruct justice are equivalent to an attempt to flee the jurisdiction.

Witness intimidation in criminal matters is a crime under both Federal and State laws.

Protecting Testimony. Prosecutors who anticipate witness intimidation often seek to obtain an early record of witness testimony, which is accomplished by presenting the witness at a preliminary hearing where the testimony is subject to cross-examination. Thus, witness unavailability at a later date will not prevent introduction of the preliminary hearing testimony. Other jurisdictions sometimes prefer to defer witness testimony by using the indictment process, thereby eliminating early confrontations between witnesses and gang-member defendants.

Alternative measures to preserve witness testimony include audiotaping or videotaping depositions. Also, a deposition procedure can provide for the cross-examination needed under the confrontation provision of the Constitution. Alternatively, a witness who changes testimony at trial may be challenged in some jurisdictions with the recorded testimony as a prior inconsistent statement.

Laws in other jurisdictions may provide for a witness protection program similar to that used by the Federal Government[85] or for witnesses to be placed in protective custody.

Victim Advocate. Gang retaliation for testifying against a gang member is a significant impediment to both crime reporting and successful prosecution. Although prosecutor use of witness intimidation laws can protect witnesses, it does not by itself attack the problem of community perceptions. Thus, a victim advocate is a necessary corollary to the witness intimidation laws. Among the advocate's duties are notifying witnesses of court hearings, transporting them to court, and providing the linkage to ensure that victims' and witnesses' fears are addressed.

Evaluation

Without a systematic evaluation, an agency may not be able to assess whether its gang suppression strategy is successful. A careful evaluation will suggest ways to improve or expand operations, point out strengths and weaknesses, and help other departments adapt similar strategies to meet their communities' needs. Also, the public, elected officials, and potential funding sources will want to see evidence of success.

The evaluation design need not be overly complex to produce meaningful results. This chapter presents concepts to consider in conducting evaluations. Local colleges and universities also may be of assistance either by helping with evaluation design or by providing student interns who can collect and analyze data.

The evaluation design need not be overly complex to produce meaningful results.

The police department should prepare for the evaluation during the project's early planning stages. An early analysis will describe the environment in which the department is operating and may reveal areas in which new or revised data collection procedures are needed. When the department establishes its gang suppression objectives, planners also should determine the indicators for measuring the achievement of those objectives.

In general, the evaluation seeks to answer several key questions:

☐ Was the strategy or program implemented as intended?

☐ What specific activities were implemented?

☐ Did these activities lead to the attainment of specific objectives?

☐ Were the program's overall goals achieved?

☐ To what extent were successes or failures a result of factors other than the strategy?

To answer these questions, a two-stage approach to evaluation is used. This approach is described in the following sections.

Process Evaluation

A process evaluation documents and analyzes the early development and actual implementation of the strategy or program, assessing whether strategies were implemented as planned and whether expected output was actually produced. Examples of output include:

☐ Number of gang-related crimes reported.

☐ Number and category (for example, leaders, hardcore members, and associates) of gang members arrested.

- ❑ Number and types of weapons seized from gang members and associates.
- ❑ Types and amounts of drugs seized from gang members and associates.
- ❑ Number of gang members and associates convicted, along with charges and sentences.

Other output measures are listed on a quarterly reporting form completed by departments funded under BJA's Urban Street Gang Program. A copy of this form is included in Exhibit 4.

Detailed information about the program as it was actually implemented is invaluable for determining what worked and what did not. A thorough process evaluation should include the following elements:

- ❑ Description of the program environment and supplying data.
- ❑ Description of the process used to design and implement the program.
- ❑ Description of program operations, including any changes in the program.
- ❑ Identification and description of intervening events that may have affected implementation and outcomes.
- ❑ Documentation such as meeting minutes, reports, memorandums, newsletters, and forms.

Describing the Program Environment

Before a program's effectiveness can be judged, it is important to understand its operating environment. The program analysis stage (see Chapter 3) produces a detailed description of the environment at the time of planning. Significant changes in the environment should be documented during program implementation to help determine whether similar results may be expected in other communities or whether the results are site specific. That is, if the environment is unique, then the results achieved in that setting may not be replicable elsewhere.

Significant changes in the environment should be documented during program implementation . . . .

Describing the Process

Good ideas do not always yield good results. Therefore, to understand the tasks to be performed and the scope of effort, a clear description of the implementation process is required. This step also will aid in replicating the effort in other environments. Describing the implementation process would involve elements such as:

- ❑ Interaction among participants (for example, gang specialists or gang unit, patrol, investigations, crime analysis, other local criminal justice agencies, Federal enforcement agencies, and citizen groups).
- ❑ The extent of participation (for example, by various agencies, units, and individuals).

Exhibit 4 Data Collection Instrument
Urban Street Gang Drug Trafficking Enforcement Program

Agency: ____________________

Reporting Period: ____________ To: ____________
(Month/Year) (Month/Year)

I. Financial Information

1. Overtime funds spent this period: ____________
2. Confidential funds spent this period: ____________

II. Arrest Information

1. ________ Initial gang complaints received
2. ________ Investigations initiated
3. ________ Investigations completed
4. ________ Search warrants executed
5. Number of gang members arrested this period:
   ________ Felonies
   ________ Misdemeanors
6. List type of charges and number of members this charge was used against:

Charge Type	Number	State/Federal	Adult/Juvenile
________	______	__________	__________
________	______	__________	__________
________	______	__________	__________
________	______	__________	__________
________	______	__________	__________

7. How many of those arrested during this period were gang:
   Leaders ____________ (high-ranking members)
   Lieutenants ____________ (mid-level members)
   Street Crew ____________ (low-ranking members)
8. Number of gang drug arrests:
   ____________ Felonies ____________ Misdemeanors
   ____________ Sale/distribution ____________ Manufacturing
   ____________ Possession
   ____________ Other (please indicate): ____________
9. Types of drugs involved (give number of arrests):
   ____________ Cocaine HCL
   ____________ Crack
   ____________ Hallucinogens
   ____________ Heroin/morphine/opium
   ____________ Marijuana

Exhibit 4 Data Collection Instrument
Urban Street Gang Drug Trafficking Enforcement Program (continued)

10. Number of arrests where firearms were:

Involved	Seized	
__________	__________	Revolver
__________	__________	Rifle
__________	__________	Machine gun
__________	__________	Semiautomatic handgun
__________	__________	Shotgun
__________	__________	Other

11. Number of gang-related homicides this period: __________

III. General Gang Information

1. Changes in the visibility of gangs/gang activity since program implementation:

    __________ No change
    __________ Slightly increased activity
    __________ Increased activity
    __________ Slightly decreased activity
    __________ Decreased activity

2. Street availability of drugs from gang members:

    __________ No change
    __________ Slightly increased activity
    __________ Increased activity
    __________ Slightly decreased activity
    __________ Decreased activity

3. Number of new gang members encountered this period: ________

4. Number of gang informants established this period: ________

5. Number of gang informants deactivated this period: ________

IV. Prosecution Information

1. Number of gang members convicted this period: ________

    Conviction Charges (Give the number of *individuals*–mark only the primary final charge)

    __________ Sale/distribution of drugs
    __________ Possession of drugs
    __________ Trafficking in drugs
    __________ Possession of firearm
    __________ Assault
    __________ Homicide
    __________ Property crimes
    __________ Other (please specify)

2. Number of probation revocations against gang members issued this period: ________

3. Number of gang members placed on probation during this period: ________

Exhibit 4 Data Collection Instrument
Urban Street Gang Drug Trafficking Enforcement Program (continued)

V. Other Information

1. Nuisance Abatement:

   Number of buildings closed this period as a result of gang activity: ________

2. Length of process—time from establishment as a problem location/crack house to closure: ________

3. Asset Forfeiture:

	Seizures		Forfeitures	
	Number	Estimated Value	Number	Estimated Value
a. Currency	________	________	________	________
b. Vehicles	________	________	________	________
c. Vessels	________	________	________	________
d. Real property	________	________	________	________
e. Weapons	________	________	________	________
f. Other	________	________	________	________

4. Indicate the total amount of drugs removed from gang members during this reporting period (please use either grams or kilograms):

Type	Amount Seized	Street Value
a. Cocaine HCL	________	________
b. Crack	________	________
c. Hallucinogens	________	________
d. Hashish	________	________
e. Heroin	________	________
f. Marijuana	________	________
g. Methamphetamine	________	________
h. Morphine	________	________
i. Opium	________	________
j. Other	________	________

☐ Any training provided to officers or other participants.

☐ Interaction among participants and others in the community who were not involved in planning and implementing the strategy.

Describing and Measuring Program Operations

The process evaluation must describe the way the gang suppression strategy worked, or failed to work, using quantitative and qualitative data. Questions to consider in assessing the process evaluation include the following:

☐ What problems were encountered in implementing objectives? How were they resolved?

☐ Have all planned activities been implemented? If not, what remains to be done? Were they accomplished on schedule?

☐ If objectives, plans, or timetables were revised, why was this necessary?

☐ What new objectives were added and why?

☐ What changes occurred in leadership or personnel? What effect did these changes have?

☐ What costs were incurred? Did they exceed initial projections?

☐ What was the level of resident support in targeted neighborhoods? How did this affect the overall enforcement effort?

☐ What lessons have been learned that might be useful to other jurisdictions?

Identifying Intervening Events

Local programs operate in continually changing environments. To identify the effects of various intervening external factors on program outcomes, an intervening variable analysis is employed. The intervening variables that may affect a program are numerous, complex, and varied and may or may not be able to be controlled or eliminated. These variables are discussed later in this chapter in the Impact Evaluation section. To assess outcomes correctly, these variables will need to be identified, interpreted, and described.

The intervening variables that may affect a program are numerous, complex, and varied . . . .

Collecting Process Data

The process evaluation should begin during the program planning phase and continue through program implementation. Two main categories of data should be collected. The first data source includes official police, city/county, census, and other data gathered during the initial program planning and analysis phase. These data will help determine whether program outcomes may be expected in similar jurisdictions.

The second data source includes interviews with and observations of participants. Observations should begin with early program development and continue throughout program implementation. Major planning activities as well as enforcement activities are of interest. Observers will answer questions such as the following:

- ☐ Does the process proceed smoothly, or are communications and relations difficult and strained?
- ☐ Do participants work together to identify a range of potential strategies?
- ☐ Do the status and hierarchy of involved personnel interfere with communications?

Interviews with key participants also should be conducted to complement information attained from observation. These interviews should reveal the reactions of patrol officers, investigators, and others to the program's development, noting their observations about difficulties encountered and associated explanations, as well as suggested solutions. An open-ended format for observations is suggested so that observers are not limited in their focus. However, the protocol for interviews should be more structured to ensure consistency and validity.

An impact evaluation measures the program's effects and the extent to which its goals were attained.

Impact Evaluation

An impact evaluation measures the program's effects and the extent to which its goals were attained. Although evaluation designs may produce useful information about a program's effectiveness, some may produce more useful information than others. For example, designs that track effects over extended time periods (time series designs) are generally superior to those that simply compare periods before and after intervention (pre-post designs); comparison group designs are superior to those that lack any basis for comparison; and designs that use true control groups (experimental designs) have the greatest potential for producing authoritative results. At a minimum, gang suppression programs should use pre-post designs. Even better is the use of longer time series analyses and comparison or control group designs.

Dependent Variables

The major limiting factor on evaluations is the availability of baseline data on the dependent variables of interest. Examples of dependent variables are gang-related crime, citizens' fear of crime, and weapons offenses. Although data on arrests, reported crime, and calls for service for prior time periods are available in most jurisdictions, it may be impossible to determine from these data which events are gang related. Some jurisdictions find it informative to examine pre- and post-data surrounding events that frequently involve gang members (for example, all weapons offenses, including shots fired; homicides; drug trafficking; and driveby shootings).

Less commonly found are data on other variables, such as fear of crime, levels of disorder, or satisfaction with the police.

If no prior data exist for an important dependent variable, the department must gather the data prior to the start of a new program. This effort may involve producing special computer runs on selected types of incidents or geographic areas, conducting a special community survey, taking photographs that show gang influence in targeted neighborhoods, or hand tabulating data from existing records.

Comparison or Control Groups

Whenever possible, it is desirable to identify a comparison or control group. This may be a group of persons or an area in the community that does not receive the intervention but has characteristics similar to the group that does. Another possible comparison group is a similar, nearby community. The same pre- and post-intervention measurements should be made of the comparison group as of the group receiving the intervention.

Basic Evaluation Procedures

Regardless of the evaluation design, certain fundamental procedures should be followed . . . .

Regardless of the evaluation design, certain fundamental procedures should be followed, the most important of which are outlined in the eight steps that follow.

Carefully State the Hypothesized Effects. In the project planning phase, the department should carefully state its expectations of a gang enforcement strategy that is implemented correctly. There may be one anticipated effect or many, examples of which are:

☐ The strategy will reduce gang-related crime by 30 percent.

☐ The strategy will eliminate drug trafficking by the 86th Street Crew.

☐ The strategy will reduce fear of crime among residents in the southwest quadrant.

☐ The strategy will result in conviction of two hardcore gang leaders under Federal Triggerlock statutes.

In some programs, the effects may be expected to occur in stages: for example, the program will reduce street-level drug sales by gang members, which will reduce fear of crime. In this case, one stated effect is anticipated to result in another.

Identify Possible Unintended Effects. Most programs have potential associated risks that also should be identified early in the planning phase to allow the department an opportunity to address them better. The evaluation can assess whether the unintended effects occurred. Examples of unintended but anticipated effects are:

☐ Officers will object to the organizational changes required for implementation.

☐ New gang leaders will quickly assume control after leaders targeted by the strategy are incarcerated.

☐ Neighborhood residents will react negatively to increased enforcement efforts.

☐ Key personnel will be transferred or will retire.

Define Measurement Criteria. The indicators that will be measured (for example, gang-related crime and community support) must be clearly defined to obtain consistent, reliable measurements. What is meant by gang-related crime? Should a gang motive be present before crimes are so classified? Are measures of some crimes more important than others? How are satisfaction with the police, fear of crime, or community support defined? Terms should be clarified so the department and evaluators understand exactly what is to be measured and how.

Determine Appropriate Time Periods. Data collection can be costly, and information about results is important to people with investments in the program. For practical reasons, evaluators often must compromise ideal time periods. This step responds to issues such as how far back in time baseline data should be collected and how long the program should operate to give it a fair opportunity to show results.

Generally, the BJA Urban Street Gang Program demonstration sites obtained data on key dependent variables (for example, drug arrests, driveby shootings, and gang-related homicides) for a 5-year period before project commencement. This method helped identify trends and aberrations. For example, an unusual problem or a unique special operation could have resulted in an unusually high arrest rate in a given year.

The demonstration sites were expected to devote the first 3 months to the needs assessment and planning processes, with program activities occurring for the next 12 to 15 months. The impact evaluation should be based on data accumulated for at least 12 months of program activities. The demonstration sites were required to submit their evaluation reports in their 18th month.

Although not a steadfast rule, most jurisdictions should be able to make some assessments about program impact after 12 months of activities. However, the appropriate period may vary considerably, depending on the nature of the problem, the type and complexity of the response, and other factors.

. . . most jurisdictions should be able to make some assessments about program impact after 12 months of activities.

Monitor Program Implementation. Systematic program monitoring is required to aid the site in correcting and overcoming problems, to effect management improvements that may reduce future implementation failures, and to interpret program results correctly.

Collect Data Systematically. The data collected on program implementation, hypothesized effects, and unintended effects must be as accurate as possible. If more than one person collects data, each must follow the same rules and use the same definitions. If data are collected over a long period, the same rules and definitions must be used throughout.

Analyze Data. Data analysis should produce a description of the program as it was implemented. If the evaluation design is strong enough, analysis can go beyond describing what happened and provide convincing explanations of why it happened. The analysis should present the evidence that helps determine whether the program had its hypothesized effects and whether it resulted in any unintended effects.

Replication of a program ensures that the documented program effects were not a chance occurrence . . . .

In some situations, it may be useful to determine whether differences between target and control groups are statistically significant. Various statistical techniques may be used to determine whether observed differences are likely due to the program design or whether they occurred by chance.

For most jurisdictions, statistical significance will be less important than other considerations, such as if the program effect was large enough to make a substantial difference and if enough benefits were derived to justify program costs. These judgments must be made by the department, city or county administrators, and residents, and the evaluation results should assist in making informed decisions.

Replicate the Program. Replication of a program ensures that the documented program effects were not a chance occurrence, the result of unobserved intervening factors, or limited to one place or one time period. Once a program component is found to have consistent effects in several applications, the strategy may be used confidently with predictable results. This feature underscores the importance of evaluations.

Endnotes

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28. See *People* v. *Bradford*, 104 Cal. Rptr. 852 (1972); *Commonwealth* v. *Meadows*, 428 N.E.2d 321 (Mass. 1981).

29. *Terry* v. *Ohio*, 392 U.S. 1 (1968).

30. See also *INS* v. *Delgado*, 466 U.S. 210 (1984).

31. In *California* v. *Hodari*, 111 S. Ct. 1547 (1991), the Supreme Court admitted into evidence drugs thrown by a suspect after he fled from the appearance of police officers on the basis that the police chase was not a *Terry* stop until the defendant was caught.

32. See *Florida* v. *Royer*, 460 U.S. 491 (1983); *U.S.* v. *Sokolow*, 490 U.S. 1 (1989).

33. *Terry* v. *Ohio*, 392 U.S. 1 (1968).

34. *Ybarra* v. *Illinois*, 444 U.S. 85 (1979) (a break-in search to continue safety search of others, after noting suspicious nonweapon, shows nonsafety intent for subsequent re-search).

35. *Chimel* v. *California*, 395 U.S. 752 (1969).

36. *Griffin* v. *Wisconsin*, 483 U.S. 868 (1987) permitted a warrantless search of a probationer's home on the basis of the State's need to maintain an effective probation system.

37. *In re* Binh, 6 Cal. Rptr. 2d 678 (1992).

38. See *U.S.* v. *Luckett*, 484 F.2d 89 (9th Cir. 1973) (jaywalking stop not serious enough to support warrant check).

39. See, for example, *Henry* v. *U.S.*, 361 U.S. 98, 102 (1959); *Dunaway* v. *New York*, 442 U.S. 200 (1979) (detention for custodial investigation requires probable cause, not reasonable suspicion of *Terry*).

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50. See, for example, 21 U.S.C. 879 (1988).

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52. See *Nader* v. *General Motors Corp.*, 298 N.Y.S.2d 137 (1970).

53. In the absence of any legitimate police motive, open surveillance may result in the commission of the tort of intentional infliction of emotional distress (Restatement, Second, *Torts*, § 46) and prima facie tort (Restatement, Second, *Torts*, § 870).

54. *Delaware* v. *Prouse*, 440 U.S. 648 (1979) (check on drivers' licenses).

55. In *Michigan Department of State Police* v. *Sitz*, 496 U.S. 444 (1990), the Supreme Court upheld a roadblock directed at identifying drivers who were under the influence of alcohol.

56. See, for example, *Galberth* v. *U.S.*, 590 A.2d 990 (D.C. 1991). But see *State* v. *Everson*, 474 N.W.2d 695 (N. Dak. 1991).

57. *U.S.* v. *McFayden*, 865 F.2d 1306 (D.C. Cir. 1989).

58. Discussed in Note, "Walking the Constitutional Beat: Fourth Amendment Implications of Police Use of Saturation Patrols and Roadblocks," *Ohio State Law Journal*, Vol. 54, 1993, p. 497.

59. *Delaware* v. *Prouse*, 440 U.S. 648, 663 (1979).

60. *Michigan* v. *Long*, 463 U.S. 1032 (1983). In *Pennsylvania* v. *Mimms*, 434 U.S. 106 (1977), the Supreme Court approved the actions of a police officer who directed the vehicle driver to leave the car after a *Terry* stop and patted down the driver after observing a shoulder bulge.

61. *Rucker* v. *United States*, 455 A.2d 889 (D.C. 1983) (passenger search upheld on basis of prior observation of drugs by another officer).

62. *Texas* v. *Brown*, 460 U.S. 730 (1983).

63. *New York* v. *Belton*, 453 U.S. 454 (1981).

64. See, for example, *Riggs* v. *City of Albuquerque*, 916 F.2d 582 (10th Cir. 1990). See generally *Laird* v. *Tatum*, 408 U.S. 1 (1972); *Meese* v. *Keene*, 481 U.S. 465 (1987).

65. *People* v. *Contreras*, 144 Cal. App. 3d 749 (1983).

66. Compare, for example, Cal. Wel. & Inst. Code 827 (general prohibition on dissemination of juvenile court records) with Cal. Wel. & Inst. Code 204 (police dissemination of arrest records conditioned on case disposition being attached).

67. Some State laws explicitly provide authority for sharing of juvenile records within the criminal justice community. See, for example, Fla. Stat. 39.039; Ill. Comp. Stat. 405/1–7. Ariz. Stat. Ann. 8–208 provides for the release of juvenile records to adult probation, police, and prosecutors of youths charged in Superior Court. But where State law prohibits retention of specific juvenile records such as fingerprints, their later use may result in reversal of a conviction. See *State* v. *Lucas*, 299 S.E. 2d 21 (W. Va. 1982).

68. *Muglen* v. *Kansas*, 123 U.S. 623 (1887).

69. See *People* v. *Milton*, 732 P.2d 1199 (Col. 1987).

70. *Papachristou* v. *City of Jacksonville*, 405 U.S. 156 (1972).

71. See *People* v. *Smith*, 378 N.E.2d 1032 (N.Y. 1978).

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73. See, for example, *Horton* v. *Reaves*, 526 P.2d 304 (Cal. 1974).

74. See *People ex rel. J.M.*, 768 P.2d 219 (Col. 1989).

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76. See, for example, *Massie* v. *Henry*, 455 F.2d 779 (4th Cir. 1974).

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80. *Fitzpatrick* v. *Board of Educ.*, 284 N.Y.S.2d 590 (Sup. Ct. 1967).

81. See, for example, Ohio Rev. Code Ann. 2929.71 (additional 3-year term for firearm possession).

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General

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This book discusses the definition and structure of organized crime, its history and activities, and efforts to combat it through laws and law enforcement.

Bing, L. "When You're a Crip (or a Blood)." In *School Safety* (Fall 1989) 4–11.

Members of two Los Angeles youth gangs, the Crips and the Bloods, describe the reasons they joined gangs and their daily activities in this transcript of a discussion held at the Kenyon Juvenile Justice Center in Los Angeles, moderated by journalist Leon Bing.

Block, C.R., and R. Block. *Street Gang Crime in Chicago*. Washington, DC: U.S. Department of Justice, National Institute of Justice. December 1993.

This report summarizes the results of a study of street gang crime in Chicago.

Burnes, E., and T.J. Deakin. "New Investigative Approach to Youth Gangs." *FBI Law Enforcement Bulletin* 58(10) (October 1989) 20–24.

Youth gangs in Baltimore, Maryland, are unique in their structure, objectives, and methods of operation, which, coupled with the increase in drug problems, have made many standard investigative techniques ineffective.

Edelhertz, H., and T.D. Overcast. *Study of Organized Crime Business-Type Activities and Their Implications for Law Enforcement*. Washington, DC: U.S. Department of Justice, National Institute of Justice. 1990.

This report examines the descriptive research on the business activities of organized criminal groups.

Fagan, J. "Social Organization of Drug Use and Drug Dealing Among Urban Gangs." *Criminology* 27(4) (November 1989) 633–667.

Interviews with 151 youth gang members in Los Angeles, San Diego, and Chicago in 1984 and 1985 formed the basis of this analysis of the relationships among drug dealing, violence, and organizational and social aspects of gangs.

Lyman, M.D. *Gangland: Drug Trafficking by Organized Criminals*. 1989.

This book addresses the history, structure, and operations (particularly drug trafficking) of various organized criminal groups in the United States and suggests legal tools and investigative techniques for countering such groups. The book includes chapters on Asian organized criminal groups, the Los Angeles-based Crips, Jamaican posses, the economics of drug trafficking, Latin American drug connections, and other topics.

Santamaria, C., S.A. Obregon, L. Figueroa, R. Sosa, and S. Stern. "Study of Juvenile Gang in a High Risk Community: Results of the Initial Phase of the Relationship." *Salud Mental* (12)3 (September 1989) 26–36.

Using participant observation, this study examines the activities, membership, and structure of a juvenile gang in a high-risk neighborhood of Mexico City.

Skolnick, J.H., T. Correl, E. Navarro, and R. Rabb. "Social Structure of Street Drug Dealing." *American Journal of Police* 1(9) (1990) 1–41.

The relationship between drug distribution and gangs in California and street drug dealing are discussed.

U.S. Department of Justice, Office of the Attorney General. *Drug Trafficking: A Report to the President of the United States.* 1989.

Because drug trafficking is considered the most serious crime problem in the United States, 93 U.S. attorneys were requested to provide information on the business structure of drug trafficking in their districts, the magnitude of the drug problem, and the work of agents and prosecutors in pursuing drug traffickers.

U.S. General Accounting Office. *Nontraditional Organized Crime: Law Enforcement Officials' Perspectives on Five Criminal Groups.* 1989.

This report summarizes the findings regarding the activities and structure of Colombian, Jamaican, Chinese, and Vietnamese criminal groups and Los Angeles street gangs.

Public Housing, Drugs, and Crime

Balthazar, M.L., R.J. Cook, and G. Roundtree. "Attitudinal Profile." *Corrective and Social Psychiatry and Journal of Behavior Technology Methods and Therapy* 35(1) (January 1989) 12–17.

A study was conducted in a Southern urban public housing project to determine the attitudes of young African-American males toward school, church, and crime as well as to develop a sociodemographic profile of these juveniles.

Weisel, D.L. *Tackling Drug Problems in Public Housing: A Guide for Police.* Police Executive Research Forum. 1990.

This guide instructs police in their operations of local public housing authorities to enhance the relationship between police and public housing residents; this in turn is intended to foster joint efforts to address public housing problems, notably drug-related problems.

Schools and Gangs

Taylor, C.S. "Youth Gangs Organize Quest for Power, Money." *School Safety* (Spring 1988) 26–27.

This 1980–85 study examined the characteristics of African-American urban juvenile gangs and their impact on schools and their communities.

U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention. *Safer Schools, Better Schools.* 1988.

This bulletin provides information on 5 Federal programs to curb drug use, truancy, vandalism, and gang activity and to improve the academic environment for America's 45.5 million public school students.

Youth Gangs

Amuleru-Marshall, O. "Substance Abuse Among America's Urban Poor." *Urban League Review* 13(1–2) (1990) 93–98.

Substance abuse is prevalent among urban youth from various ethnic groups outside the American mainstream. Confronted by life problems including unemployment, gang membership, violence, adolescent pregnancy, crime, drug use, and drug distribution, many of these youth are attracted by the money associated with the trading of illicit drugs.

Moore, J. "Gangs, Drugs and Violence." In *Drugs and Violence: Causes, Correlates, and Consequences*, eds. M. de La Rosa, E.Y. Lambert, and B. Gropper, pp. 160–176. Washington, DC: U.S. Department of Health and Human Services, National Institute on Drug Abuse. 1990.

This analysis of research on the relationships among youth gangs, drugs, and violence concludes that common stereotypes are erroneous.

Short, J.F. *Gang, Neighborhoods, and Youth Crime Criminal Justice Research Bulletin* 5(4) (1990) complete issue.

Most of what is known about juvenile gangs, their causes, and internal dynamics is based on research conducted many years ago. Gang research in the 1960's was done in the field, employing extensive and intensive observation and other advanced research methods. In the mid-1970's, research shifted toward reliance on police and other law enforcement contacts and data.

Sources for Further Information and Technical Assistance

For more information on Urban Street Gang Enforcement Operations, contact:

Bureau of Alcohol, Tobacco and Firearms
Violent Crime Prevention Branch
800 K Street NW.
Suite 842
Washington, DC 20001
202–682–4220

Bureau of Justice Assistance
633 Indiana Avenue NW.
Washington, DC 20531
202–514–5947

Bureau of Justice Assistance Clearinghouse
Box 6000
Rockville, MD 20849–6000
1–800–688–4252

Federal Bureau of Investigation
Violent Crime Section
10th and Pennsylvania Avenue NW.
Washington, DC 20535
202–324–8874

Institute for Law and Justice
1018 Duke Street
Alexandria, VA 22314
703–684–5300

Office of Juvenile Justice and Delinquency Prevention
Juvenile Justice Clearinghouse
Gang Consortium
633 Indiana Avenue NW.
Washington, DC 20531
202–307–0751

Police Executive Research Forum
1120 Connecticut Avenue NW.
Suite 930
Washington, DC 20036
202-466-7820

Safe Streets Bureau
Attention: Sergeant McBride
Los Angeles County Sheriff's Department
3010 East Victoria Street
Rancho Dominguez, CA 90221
310-603-3105

Bureau of Justice Assistance Information

General Information

Callers may contact the U.S. Department of Justice Response Center for general information or specific needs, such as assistance in submitting grants applications and information on training. To contact the Response Center, call 1-800-421-6770 or write to 1100 Vermont Avenue NW., Washington, DC 20005.

Indepth Information

For more indepth information about BJA, its programs, and its funding opportunities, requesters can call the BJA Clearinghouse. The BJA Clearinghouse, a component of the National Criminal Justice Reference Service (NCJRS), shares BJA program information with State and local agencies and community groups across the country. Information specialists are available to provide reference and referral services, publication distribution, participation and support for conferences, and other networking and outreach activities. The Clearinghouse can be reached by:

❒ **Mail**
P.O. Box 6000
Rockville, MD 20849-6000

❒ **Visit**
1600 Research Boulevard
Rockville, MD 20850

❒ **Telephone**
1-800-688-4252
Monday through Friday
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eastern standard time

❒ **Fax**
301-251-5212

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❒ **BJA Home Page**
http://www.ojp.usdoj.gov/BJA

❒ **NCJRS World Wide Web**
http://www.ncjrs.org

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(Modem setting 8-N-1)

❒ **E-mail**
askncjrs@ncjrs.org

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